

EXHIBIT

80

Keith Ingram

March 28, 2023

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION
4 LA UNION DEL PUEBLO ENTERO,)
5 et al.,)
6 Plaintiffs,)
7 vs.) Civil Action No.
8 STATE OF TEXAS, et al.,) 5:21-cv-844 (XR)
9 Defendants.) (Consolidated Cases)

6 -----
7 ORAL DEPOSITION OF
8 KEITH INGRAM
9 March 28, 2023
10 Volume 1
11 -----

12 ORAL 30(b)(1) DEPOSITION OF KEITH INGRAM, Volume
13 1, produced as a witness at the instance of the
14 Plaintiffs, and duly sworn, was taken in the
15 above-styled and numbered cause on March 28, 2023, from
16 9:15 a.m. to 4:18 p.m., before Dana Shapiro, CSR, in
17 and for the State of Illinois, reported by machine
18 shorthand, at 209 W. 14th Street, Austin, Texas 78701,
19 pursuant to the Federal Rules of Civil Procedure and
20 any provisions stated on the record or attached
21 hereto.
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23
24
25

Keith Ingram

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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR PLAINTIFFS OCA/REVUP TEXAS (via ZOOM):</p> <p>4 MS. LUCIA ROMANO</p> <p>5 DISABILITY RIGHTS TEXAS</p> <p>6 1500 McGowen, Suite 100</p> <p>7 Houston, Texas 77004</p> <p>8 713-974-7691</p> <p>9 lromano@disabilityrightstx.org</p> <p>10 -and-</p> <p>11 MS. COURTNEY LUTHER</p> <p>12 DISABILITY RIGHTS TEXAS</p> <p>13 2222 West Braker Lane</p> <p>14 Austin, Texas 78758</p> <p>15 512-454-4816</p> <p>16 cluther@disabilityrightstx.org</p> <p>17 FOR INTERVENOR-DEFENDANTS HARRIS COUNTY REPUBLICAN</p> <p>18 PARTY, DALLAS COUNTY REPUBLICAN PARTY, REPUBLICAN</p> <p>19 NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL</p> <p>20 COMMITTEE AND NATIONAL REPUBLICAN CONGRESSIONAL</p> <p>21 COMMITTEE (appeared via ZOOM):</p> <p>22 MR. STEPHEN J. KENNY</p> <p>23 JONES DAY</p> <p>24 51 Louisiana Avenue, NW</p> <p>25 Washington, D.C. 20001</p> <p>202-879-3939</p> <p>skenny@jonesday.com</p> <p>FOR PLAINTIFFS HOUSTON AREA URBAN LEAGUE; DELTA SIGMA</p> <p>THETA SORORITY, INC.; THE ARC OF TEXAS; AND JEFFREY</p> <p>LAMAR CLEMMONS (appeared via ZOOM):</p> <p>MS. KATHRYN SADASIVAN</p> <p>MR. VICTOR GENECEIN</p> <p>MS. URUJ SHEIKH</p> <p>NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.</p> <p>40 Rector Street, Fifth Floor</p> <p>New York, New York 10006</p> <p>212-965-2200</p> <p>ksadasivan@naacpldf.org</p> <p>vgenecin@naacpldf.org</p> <p>usheikh@naacpldf.org</p>	<p>1 A P P E A R A N C E S (continued):</p> <p>2 -and-</p> <p>3 MR. DANIEL J. FREEMAN</p> <p>4 U.S. DEPARTMENT OF JUSTICE</p> <p>5 CIVIL RIGHTS DIVISION</p> <p>6 4 Constitution Square (4CON)</p> <p>7 150 M Street, N.E./8.143</p> <p>8 Washington, D.C. 20530</p> <p>9 202-305-4355</p> <p>10 Daniel.Freeman@usdoj.gov</p> <p>11 FOR DEFENDANTS THE STATE OF TEXAS, GREG ABBOTT, IN HIS</p> <p>12 OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, JANE NELSON, IN</p> <p>13 HER OFFICIAL CAPACITY OF THE TEXAS SECRETARY OF STATE,</p> <p>14 WARREN K. PAXTON, IN HIS OFFICIAL CAPACITY AS THE TEXAS</p> <p>15 ATTORNEY GENERAL:</p> <p>16 MS. KATHLEEN HUNKER</p> <p>17 MR. ETHAN SZUMANSKI</p> <p>18 OFFICE OF THE ATTORNEY GENERAL</p> <p>19 P.O. Box 12548</p> <p>20 Austin, Texas 78711-2548</p> <p>21 512-463-2100</p> <p>22 kathleen.hunker@oag.texas.gov</p> <p>23 ethan.szumanski@oag.texas.gov</p> <p>24 FOR OFFICE OF THE TEXAS SECRETARY OF STATE:</p> <p>25</p> <p>MR. ADAM BITTER</p> <p>OFFICE OF THE SECRETARY OF STATE</p> <p>Capitol Building, Rm 1E.8</p> <p>P.O. Box 12697</p> <p>Austin, Texas 78711-2697</p> <p>512-475-2813</p> <p>abitter@sos.texas.gov</p> <p>FOR DEFENDANT LISA WISE, IN HER OFFICIAL CAPACITY AS</p> <p>THE EL PASO COUNTY ELECTIONS ADMINISTRATOR (via ZOOM):</p> <p>MR. GERMAINE HABELL</p> <p>COOLEY LLP</p> <p>Wells Fargo Center, South Tower</p> <p>355 South Grand Avenue, Suite 900</p> <p>Los Angeles, California 90071-1560</p> <p>213-561-3227</p> <p>ghabell@cooley.com</p>
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<p>1 A P P E A R A N C E S (continued):</p> <p>2 FOR PLAINTIFFS LA UNION DEL PUEBLO ENTERO SOUTHWEST</p> <p>3 VOTER REGISTRATION EDUCATION PROJECT:</p> <p>4 MS. NINA PERALES</p> <p>5 MS. JULIA R. LONGORIA(via ZOOM)</p> <p>6 MS. FATIMA L. MENENDEZ(via ZOOM)</p> <p>7 MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND</p> <p>8 110 Broadway, Suite 300</p> <p>9 San Antonio, Texas 78205</p> <p>10 210-224-5476</p> <p>11 nperales@maldef.org</p> <p>12 jlongoria@maldef.org</p> <p>13 fmenendez@maldef.org</p> <p>14 -and-</p> <p>15 MR. JASON KANTERMAN (via ZOOM)</p> <p>16 MR. KEVIN ZHEN (via ZOOM)</p> <p>17 FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP</p> <p>18 One New York Plaza</p> <p>19 New York, New York 10004</p> <p>20 212-859-8519</p> <p>21 Jason.Kanterman@friedfrank.com</p> <p>22 Kevin.Zhen@friedfrank.com</p> <p>23 FOR PLAINTIFFS LULAC, TEXAS, VOTO LATINO, TEXAS</p> <p>24 ALLIANCE FOR RETIRED AMERICANS, TEXAS AFT (via ZOOM):</p> <p>25 MS. MARISA O'GARA</p> <p>ELIAS LAW GROUP LLP</p> <p>250 Massachusetts Avenue, NW, Suite 400</p> <p>Washington, D.C. 20001</p> <p>202-968-4490</p> <p>mogara@elias.law</p> <p>FOR THE UNITED STATES:</p> <p>MR. JUSTIN BENNETT(via ZOOM)</p> <p>MR. RICHARD A. DELLHEIM</p> <p>MR. MICHAEL E. STEWART</p> <p>U.S. DEPARTMENT OF JUSTICE</p> <p>CIVIL RIGHTS DIVISION</p> <p>950 Pennsylvania Avenue, NW</p> <p>Washington, D.C. 20530</p> <p>800-253-3931</p> <p>Justin.Bennett@usdoj.gov</p> <p>Richard.Dellheim@usdoj.gov</p> <p>Michael.Stewart3@usdoj.gov</p>	<p>1 A P P E A R A N C E S (continued):</p> <p>2 FOR DEFENDANTS BEXAR COUNTY ELECTIONS ADMINISTRATOR,</p> <p>3 JACQUELYN CALLANEN AND BEXAR COUNTY DISTRICT ATTORNEY</p> <p>4 JOE D. GONZALES (via ZOOM):</p> <p>5 MS. LISA V. CUBRIEL</p> <p>6 ASSISTANT DISTRICT ATTORNEY-CIVIL SECTION</p> <p>7 BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE</p> <p>8 7th Floor Paul Elizondo Tower</p> <p>9 101 West Nueva</p> <p>10 San Antonio, Texas 78205-3030</p> <p>11 210-335-2142</p> <p>12 Lisa.Cubriel@bexar.org</p> <p>13 FOR PLAINTIFF MI FAMILIA VOTA (via ZOOM):</p> <p>14</p> <p>15 MS. COURTNEY HOSTETLER</p> <p>16 FREE SPEECH FOR PEOPLE</p> <p>17 1320 Centre Street, #405</p> <p>18 Newton, Massachusetts 02459</p> <p>19 617-249-3015</p> <p>20 chostetler@freespeechforpeople.org</p> <p>21 FOR DEFENDANTS CLIFFORD TATUM, IN HIS OFFICIAL CAPACITY</p> <p>22 AS HARRIS COUNTY ELECTIONS ADMINISTRATOR (via ZOOM):</p> <p>23</p> <p>24 MR. SAMEER S. BIRRING</p> <p>25 SENIOR ASSISTANT COUNTY ATTORNEY</p> <p>OFFICE OF THE HARRIS COUNTY ATTORNEY</p> <p>1019 Congress Plaza, 15th Floor</p> <p>Houston, Texas 77002</p> <p>713-274-5101</p> <p>Sameer.Birring@harriscountytexas.gov</p> <p>FOR DEFENDANT HIDALGO COUNTY ELECTIONS ADMINISTRATOR</p> <p>DELIA GARZA (via ZOOM):</p> <p>MS. LEIGH ANN TOGNETTI</p> <p>ASSISTANT DISTRICT ATTORNEY</p> <p>100 East Cano, First Floor</p> <p>Hidalgo County Courthouse Annex III</p> <p>Edinburg, Texas 78539</p> <p>956-292-7609</p> <p>leigh.tognetti@da.co.hidalgo.tx.us</p> <p>ALSO PRESENT (via ZOOM):</p> <p>MS. MORGAN HUMPHREY</p> <p>MS. SAMANTHA KOBOR</p>

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<p>1 (WHEREUPON, the witness was duly</p> <p>2 sworn.)</p> <p>3 KEITH INGRAM,</p> <p>4 called as a witness herein, having been first duly</p> <p>5 sworn, was examined and testified as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. FREEMAN:</p> <p>8 Q. My name is Dan Freeman. This is the</p> <p>9 general election deposition of Mr. Keith Ingram in the</p> <p>10 matter of La Union Del Pueblo Entero v. Abbott, U.S.</p> <p>11 District Court for the Western District of Texas,</p> <p>12 docket No. 5:21-cv-844.</p> <p>13 Again, as you know, my name is Dan Freeman.</p> <p>14 I represent the United States in this matter. With me</p> <p>15 here today are Mr. Richard Dellheim and Mr. Mike</p> <p>16 Stewart. And I will let everyone else introduce</p> <p>17 themselves.</p> <p>18 MS. PERALES: Nina Perales for Plaintiffs LUPE,</p> <p>19 L-U-P-E, et al.</p> <p>20 MS. HUNKER: Kathleen Hunker and Ethan Szumanski</p> <p>21 representing the State Defendants along with individual</p> <p>22 legislators for the purposes of legislative privilege</p> <p>23 to the extent it's raised today. With me is Adam</p> <p>24 Bitter, General Counsel for The Office of the Texas</p> <p>25 Secretary of State.</p>	<p>1 complete answers. Do you understand?</p> <p>2 A. I do.</p> <p>3 Q. I may not always be clear. If you don't</p> <p>4 understand, will you please ask me to restate the</p> <p>5 question in a clear manner?</p> <p>6 A. I will.</p> <p>7 Q. If you need a break, will you let me know</p> <p>8 and we'll finish the question and see about a break?</p> <p>9 A. Sure.</p> <p>10 Q. If you need coffee -- I see you already</p> <p>11 have water -- please let me know between questions, and</p> <p>12 we will see about getting you some. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. If you want to talk to your attorney,</p> <p>15 that's fine, but if there is a question pending or you</p> <p>16 are in the middle of an answer, let's finish up the</p> <p>17 answer first and then you can talk with your attorney.</p> <p>18 Will that work?</p> <p>19 A. Sure.</p> <p>20 Q. Sometimes you will remember things later in</p> <p>21 the day. If that happens, let me know while it's on</p> <p>22 your mind and we can add to the record. Will you do</p> <p>23 that?</p> <p>24 A. I will.</p> <p>25 Q. I will give you a chance to do that towards</p>

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<p style="text-align: right;">Page 10</p> <p>1 the end as well.</p> <p>2 Sometimes after we have been talking for</p> <p>3 awhile, you realize a prior answer was not entirely</p> <p>4 accurate. If you realize that, will you let me know so</p> <p>5 we can correct the record?</p> <p>6 A. I will.</p> <p>7 Q. Sometimes while you are answering, you may</p> <p>8 think of a document that will help you remember or help</p> <p>9 you answer more accurately. If you do, will you let me</p> <p>10 know?</p> <p>11 A. I will.</p> <p>12 Q. We may have the document here. If not, we</p> <p>13 may be able to help you get it. I see that you also</p> <p>14 have a copy of the Election Laws of Texas 2022 edition</p> <p>15 in front of you. Can I ask you, do you intend to</p> <p>16 refresh your recollection, if need be?</p> <p>17 A. If need be, yes, sir.</p> <p>18 Q. Mandatory question. Are you on any</p> <p>19 medication or drugs of any kind that might make it</p> <p>20 difficult for you to answer or understand my questions?</p> <p>21 A. I'm not.</p> <p>22 Q. Is there any other reason you can think of</p> <p>23 why you would not be able to answer my questions fully</p> <p>24 and accurately?</p> <p>25 A. Seasonal allergies are making my throat</p>	<p style="text-align: right;">Page 12</p> <p>1 believe, the most recent set of discovery questions,</p> <p>2 interrogatories, request for production, request for</p> <p>3 admission. I also reviewed our results from the</p> <p>4 comparison that we did in December after the general</p> <p>5 election in '22. So that we tried to harvest more</p> <p>6 driver's license numbers. And I looked at the</p> <p>7 spreadsheet for the mail ballot rejection rates for all</p> <p>8 of the elections in '22 including the general.</p> <p>9 Q. Do you know --</p> <p>10 A. Then a few mass emails that we sent over</p> <p>11 the summer.</p> <p>12 Q. Do you know if that spreadsheet from mail</p> <p>13 ballot rejection rates has been produced in this</p> <p>14 litigation?</p> <p>15 A. As far as I know it was, yes.</p> <p>16 MS. HUNKER: It was.</p> <p>17 BY MR. FREEMAN:</p> <p>18 Q. Was anyone else present besides Kathleen</p> <p>19 and Ethan during sessions?</p> <p>20 A. In the first session, Adam Bitter was</p> <p>21 there. The next two Zena was there as deputy general</p> <p>22 counsel.</p> <p>23 Q. I see. Thank you.</p> <p>24 Did you bring any documents with you here</p> <p>25 today besides the Election Laws of Texas Manual?</p>
<p style="text-align: right;">Page 11</p> <p>1 dry, but that's about it.</p> <p>2 Q. Well, we'll make sure you have enough</p> <p>3 water. We can take breaks if need be. If truly</p> <p>4 necessarily, we'll make a Claritin run.</p> <p>5 Last thing. I want to remind you that you</p> <p>6 are under oath and subject to federal penalties for</p> <p>7 giving false or misleading testimony. So it's</p> <p>8 important to answer my questions truthfully, accurately</p> <p>9 and completely. Do you understand?</p> <p>10 A. I do.</p> <p>11 Q. Any questions so far?</p> <p>12 A. No, sir.</p> <p>13 Q. All right. Just for the record, are you</p> <p>14 represented by counsel here today?</p> <p>15 A. I am.</p> <p>16 Q. Who is that?</p> <p>17 A. Kathleen Hunker, and Adam Bitter is our</p> <p>18 general counsel for our agency.</p> <p>19 Q. Without going into the substance of any</p> <p>20 discussions you had with counsel, what did you do to</p> <p>21 prepare for this deposition?</p> <p>22 A. Did meet with Kathleen and Ethan a couple</p> <p>23 of times, and reviewed some documents.</p> <p>24 Q. What were those documents?</p> <p>25 A. They were our answers to discovery, I</p>	<p style="text-align: right;">Page 13</p> <p>1 A. I did not.</p> <p>2 Q. Did you speak with anyone else about your</p> <p>3 deposition today outside of your immediate family?</p> <p>4 A. I did. I talked to Christina Adkins in our</p> <p>5 office, I talked to Kristi Hart, and I talked to Donna</p> <p>6 Davidson at the Republican Party of Texas.</p> <p>7 Q. What did you discuss with Ms. Davidson?</p> <p>8 A. The same thing that I talked to Christina</p> <p>9 about. There was an incident with regard to a poll</p> <p>10 watcher in Northern Hidalgo County. For the life of me</p> <p>11 I can't remember any details, neither could Christina,</p> <p>12 and neither could Donna.</p> <p>13 Q. Anything else?</p> <p>14 A. That's it.</p> <p>15 Q. Okay. So since we last spoke in April of</p> <p>16 2022 has your role in the office of the Texas Secretary</p> <p>17 of State changed?</p> <p>18 A. It has.</p> <p>19 Q. What's your current title?</p> <p>20 A. I'm not sure what the title is. I think</p> <p>21 it's project manager or special projects. I have been</p> <p>22 designated to work on one project.</p> <p>23 Q. What's that project?</p> <p>24 A. The project is potentially replacing the</p> <p>25 ERIC system that we have that we're currently using to</p>

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<p style="text-align: right;">Page 14</p> <p>1 use to compare voter registrations across state lines.</p> <p>2 Q. What was the impetus for your change in</p> <p>3 role?</p> <p>4 A. We had an organizational hearing at the</p> <p>5 Texas house for the House Elections Committee on March</p> <p>6 10 or March 9, and then the Secretary was not pleased.</p> <p>7 She thought that my exchange with Representative</p> <p>8 Swanson was indicator that maybe it would be good for</p> <p>9 her and for me to change roles.</p> <p>10 Q. What was the impetus for the creation of</p> <p>11 the role that you are now in?</p> <p>12 A. Well, we have been discussing -- there is</p> <p>13 legislation that would require us to leave the ERIC</p> <p>14 system, Electronic Registration Information Center, and</p> <p>15 if any of that passes then we still have a law, legal</p> <p>16 obligation to compare voter roles across state lines.</p> <p>17 So we have a need to figure out what comes next if</p> <p>18 ERIC -- if we have to withdraw from ERIC.</p> <p>19 Q. In your new role do you report to the</p> <p>20 acting director of the elections division?</p> <p>21 A. Yes.</p> <p>22 Q. That's Ms. Adkins?</p> <p>23 A. It is.</p> <p>24 Q. In your new role will you have any role in</p> <p>25 the implementation of SB 1's mail voting requirements</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. Are you no longer a part of the</p> <p>2 discussions in terms of planning for the next election</p> <p>3 and implementation of SB 1?</p> <p>4 A. Well, I don't know because right now it's</p> <p>5 all legislation all of the time. We will pick up the</p> <p>6 planning discussion again this summer.</p> <p>7 Q. Well, you guessed my next topic. Did you</p> <p>8 testify before the Texas Legislature in the interim</p> <p>9 between the third special session of the 87th leg and</p> <p>10 the opening of the 88th Texas legislature?</p> <p>11 A. I don't remember. Did we have an interim</p> <p>12 hearing and house selections? I know there was one</p> <p>13 scheduled in Senate State of Affairs, but they</p> <p>14 cancelled, so I don't know. I don't know if I had a</p> <p>15 house -- can you tell me if I did?</p> <p>16 Q. I don't know.</p> <p>17 A. I don't think we had an interim hearing.</p> <p>18 Q. So not to your knowledge?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Just to close the loop. Did you help any</p> <p>21 other staff of the elections division prepare for</p> <p>22 testimony during the interim between the 87th</p> <p>23 legislature and the opening of the 88th?</p> <p>24 A. No.</p> <p>25 Q. Are you aware of any other instances when</p>
<p style="text-align: right;">Page 15</p> <p>1 in future elections?</p> <p>2 A. I will not. I might be asked for advice.</p> <p>3 I might be asked for research, but that would be the</p> <p>4 limit of it.</p> <p>5 Q. So at this time would it be fair to say</p> <p>6 that your knowledge concerning implementation of SB 1's</p> <p>7 mail voting requirements is strictly looking back at</p> <p>8 past elections, and not looking forward as to planned</p> <p>9 changes?</p> <p>10 MS. HUNKER: Objection, form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I would agree with that.</p> <p>13 BY MR. FREEMAN:</p> <p>14 Q. Would it be fair to say you do not have</p> <p>15 personal knowledge about future improvements to</p> <p>16 implementation of SB 1?</p> <p>17 MS. HUNKER: Objection, form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Well, I don't know what you mean by</p> <p>20 improvements. I know that, you know, we are always</p> <p>21 planning and preparing for the next election. That</p> <p>22 began immediately after November 2022 we began</p> <p>23 preparing for 2024. And so obviously I'm aware of</p> <p>24 those discussions.</p> <p>25 BY MR. FREEMAN:</p>	<p style="text-align: right;">Page 17</p> <p>1 staff of the elections division testified before the</p> <p>2 Texas Legislator between 87th Legislature and opening</p> <p>3 of the 88th?</p> <p>4 A. I'm not.</p> <p>5 Q. Since the opening of 88th Texas Legislator,</p> <p>6 have you testified before any committee of Texas House</p> <p>7 or Texas Senate?</p> <p>8 A. I have.</p> <p>9 Q. Which committee?</p> <p>10 A. House elections.</p> <p>11 Q. That's it?</p> <p>12 A. That's it.</p> <p>13 Q. Was that on March 9 you said?</p> <p>14 A. It was.</p> <p>15 Q. Was that the only time you testified?</p> <p>16 A. It was.</p> <p>17 Q. Since the opening of the 88th Texas</p> <p>18 Legislature, have any other staff of the elections</p> <p>19 division testified before any committee of the Texas</p> <p>20 House or Texas Senate?</p> <p>21 A. Yes, Christina Adkins has.</p> <p>22 Q. Which committee?</p> <p>23 A. House Elections and Senate State Affairs,</p> <p>24 and I believe that she was called up in the House.</p> <p>25 There is a special committee on security. I don't know</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. That you need --</p> <p>2 MS. HUNKER: Objection, form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. You need to be sure and put identification</p> <p>5 number under the flap of the envelope, and they would</p> <p>6 have a picture of the boxes at the top of the carrier</p> <p>7 envelope on the back where they are covered up when you</p> <p>8 put the flap down so they could see those boxes, see</p> <p>9 what they looked like, and get reminded they needed to</p> <p>10 fill one of them out.</p> <p>11 BY MR. FREEMAN:</p> <p>12 Q. Did these inserts suggest that voters</p> <p>13 include both a driver's license number and Social</p> <p>14 Security number if they had them?</p> <p>15 A. I don't know. We told counties they could</p> <p>16 suggest that as a possibility, but they couldn't</p> <p>17 require it.</p> <p>18 Q. Was that suggestion something that you</p> <p>19 considered to be helpful to the voters?</p> <p>20 A. Absolutely, yes. We strongly suggested</p> <p>21 they do suggest it to their voters. But make sure that</p> <p>22 your voters know it's not required to put both, but</p> <p>23 they increase their chance of success if they do.</p> <p>24 Q. Did you also testify before the house</p> <p>25 committee on elections on March 9 that putting the</p>	<p style="text-align: right;">Page 32</p> <p>1 come in person and fix it. So we want to match those</p> <p>2 two dates up, and we also believe that ballot boards</p> <p>3 need more time on the front end, more days to meet. So</p> <p>4 we suggested that change. And there is one other</p> <p>5 thing. I know there is three. I can never remember</p> <p>6 the third.</p> <p>7 Q. Well, if you remember later.</p> <p>8 A. I will.</p> <p>9 Q. Thank you very much.</p> <p>10 This is the type of thing that's going to</p> <p>11 bother you.</p> <p>12 A. It is going to bother me. Our other</p> <p>13 suggestion is have them where they can just mail back</p> <p>14 the corrective action form and where the ballot doesn't</p> <p>15 ever leave the voting clerk's office. If the voter</p> <p>16 sends it in right now, the early voting clerk has the</p> <p>17 option of sending the ballot back to the voter. The</p> <p>18 early voting ballot board has the option of sending the</p> <p>19 ballot back to the voter. We would like to take that</p> <p>20 away and keep the ballot in the office and just send a</p> <p>21 corrective action form and have them be able to mail it</p> <p>22 back instead of deliver it in person.</p> <p>23 Q. Is that the existing correction process for</p> <p>24 FPCA voters?</p> <p>25 A. Yes, sort of. I mean an FPCA voter can</p>
<p style="text-align: right;">Page 31</p> <p>1 resident's address in the ballot tracker log-in was</p> <p>2 keeping voters out?</p> <p>3 A. Yes.</p> <p>4 Q. Did you suggest that the legislator enact</p> <p>5 legislation that would replace resident's address with</p> <p>6 date of birth in the log-in requirements?</p> <p>7 A. I did.</p> <p>8 Q. Is this the only change that you</p> <p>9 recommended with respect to the mail voting provisions</p> <p>10 of SB 1?</p> <p>11 A. I don't know what you mean by that</p> <p>12 question. In the hearing, yes.</p> <p>13 Q. Have you suggested any other changes in</p> <p>14 other venues?</p> <p>15 A. Yes.</p> <p>16 Q. What changes have you suggested?</p> <p>17 A. It's our belief that the correction</p> <p>18 process, the corrective action procedure needs to have</p> <p>19 a standardized date where anybody who's correcting a</p> <p>20 mail ballot has that date by which to fix it. The way</p> <p>21 the current law is, if the early voting clerks send</p> <p>22 back the mail ballot to the voter the voter has until</p> <p>23 7:00 p.m. on election day to get that back. And if a</p> <p>24 ballot board sends a collective action notice to a</p> <p>25 voter, they have until six days after the election to</p>	<p style="text-align: right;">Page 33</p> <p>1 send a new signature sheet. So yes, it's kind of like</p> <p>2 that, but it's a different form. Since FPCA voters</p> <p>3 have the ability to do a signature sheet in the first</p> <p>4 place, they have more flexibility.</p> <p>5 Q. Did a bill to replace resident's address</p> <p>6 with date of birth in the ballot tracker come before</p> <p>7 the House Elections Committee on March 16?</p> <p>8 A. It wasn't exactly what the bill language</p> <p>9 did. The bill language made the DL or social optional,</p> <p>10 you know, pick one or the other instead of both and add</p> <p>11 date of birth and take away resident's address.</p> <p>12 Q. Who testified on behalf of the Office of</p> <p>13 the Secretary of State on that bill?</p> <p>14 A. Christina Adkins.</p> <p>15 Q. Do you know if Ms. Adkins testified for the</p> <p>16 bill or merely on the bill?</p> <p>17 A. We are never for or against legislation.</p> <p>18 It's not our office's role. We are resource witness to</p> <p>19 answer any questions about the implementation that they</p> <p>20 might have.</p> <p>21 Q. If your office favors the substantive</p> <p>22 provisions of a bill you are still merely on the bill</p> <p>23 rather than for the bill?</p> <p>24 A. Our office doesn't officially favor</p> <p>25 anything.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. Well, if they don't have a driver's license 2 number or Social Security number on record, is there a 3 connection between the voter providing that number and 4 the voter establishing their identity? 5 A. Yes. 6 Q. Does the voter establish their identity 7 when they submit a mail ballot request with their 8 driver's license number if the driver's license number 9 isn't on TEAM? 10 MS. HUNKER: Objection, form, asked and answered. 11 BY THE WITNESS: 12 A. I don't know what you are getting at. Yes. 13 BY MR. FREEMAN: 14 Q. So switching gears, and we don't need to 15 take a break yet, that's good. 16 How long did you serve as director of the 17 elections division in the Office of the Texas Secretary 18 of State? 19 A. 11 years, two months, five days. 20 Q. Based on your experience would you agree -- 21 A. Not that I was counting. 22 Q. Based on your experience, would you agree 23 that a form provided to voters should be designed so 24 that a voter who follows the instructions will have the 25 form accepted?</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Any current plans to alter the form? 2 A. No. 3 Q. Has your office considered altering the 4 form since it was issued? 5 A. No, not this form. 6 Q. Why not? 7 A. There is not a need to. 8 Q. Is there a statutory reason this form could 9 not inform voters that they may provide both a Texas 10 driver's license number and a partial Social Security 11 number? 12 MS. HUNKER: Objection, form. 13 BY THE WITNESS: 14 A. It's not what the law says. The form 15 outlines the law. 16 BY MR. FREEMAN: 17 Q. Okay. And so if the form outlines the law, 18 is it not allowed for the form to inform voters that 19 they may provide both numbers? 20 A. Not on the form. It's not the law. 21 Q. Understood. 22 Has your office suggested any kind of 23 amendments to SB 1 that would permit including that 24 information on this form? 25 A. No. There is plenty of outside channels</p>
<p style="text-align: right;">Page 39</p> <p>1 MS. HUNKER: Objection, form. 2 BY THE WITNESS: 3 A. Yes, that's true. That's the goal of the 4 form. 5 BY MR. FREEMAN: 6 Q. Since the May 2022 runoff, did the Office 7 of the Secretary of State make any changes to the 8 absentee ballot by mail application? 9 A. We changed several forms. I'm pretty sure 10 the application if it's got an oath of assistance on it 11 it changed, yes. 12 MR. FREEMAN: Mark this as Exhibit 2. 13 (WHEREUPON, a certain document was 14 marked Deposition Exhibit No. 2, 15 for identification, as of 3/28/23.) 16 BY MR. FREEMAN: 17 Q. Mr. Ingram, is this the current absentee 18 ballot by mail form? I will represent to you this 19 form, I don't believe the date is on it, but it's the 20 form that's currently on your website and it's dated 21 December 9, 2021. 22 A. Yes. I mean it looks like it, yes. 23 Q. Okay. This form is still in effect, the 24 form that's on the website? 25 A. It is.</p>	<p style="text-align: right;">Page 41</p> <p>1 that emphasize that point. 2 Q. So is it not necessary to your mind? 3 A. Agree with that. 4 Q. This form does clarify that the Texas 5 driver's license number is not your voter registration 6 VUID number, correct? 7 A. Agree. 8 Q. Is that in the law -- 9 MS. HUNKER: Objection, form. 10 BY MR. FREEMAN: 11 Q. -- that clarification? 12 A. Well, it's in the law is Texas election 13 identification certificate number. People think that 14 means their voter registration number. 15 Q. Why is it permissible to include this 16 clarification and not the clarification that a voter 17 may include both numbers if they wish? 18 A. Because if we did that you would be sitting 19 there asking me questions about why we are requiring 20 people to do something the law doesn't require. That 21 would be a different lawsuit, but it would still be a 22 lawsuit. 23 Q. Do other forms promulgated by your office 24 include a red box around required information 25 frequently omitted by voters?</p>

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<p style="text-align: right;">Page 42</p> <p>1 A. The carrier envelope does.</p> <p>2 Q. Is this a reason why this form doesn't have</p> <p>3 a red box around the SB 1 identification number</p> <p>4 requirements?</p> <p>5 A. It's not needed.</p> <p>6 Q. Why is it not needed?</p> <p>7 A. Because the application can just be redone</p> <p>8 any time. It's a much less formal document. It's not</p> <p>9 the vote.</p> <p>10 Q. Can it be redone if it's rejected -- strike</p> <p>11 that.</p> <p>12 Can it be redone if the voter does not</p> <p>13 become aware of the rejection until after the ballot</p> <p>14 application deadline?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. It can't. But the voter can vote in person</p> <p>18 at that point. They have still complete ability to</p> <p>19 vote.</p> <p>20 BY MR. FREEMAN:</p> <p>21 Q. Just to confirm. During the 2022 general</p> <p>22 election, did your office continue to advise election</p> <p>23 administrators not to apply a hierarchy between DPS</p> <p>24 numbers and Social Security numbers when determining</p> <p>25 whether this form meets SB 1 requirements and identify</p>	<p style="text-align: right;">Page 44</p> <p>1 A. You would have to ask the legislature that</p> <p>2 question.</p> <p>3 Q. Fair enough.</p> <p>4 MR. FREEMAN: We can mark this as Exhibit 3.</p> <p>5 (WHEREUPON, a certain document was</p> <p>6 marked Deposition Exhibit No. 3,</p> <p>7 for identification, as of 3/28/23.)</p> <p>8 BY MR. FREEMAN:</p> <p>9 Q. Before we turn to Exhibit 3 can I ask one</p> <p>10 more question about the form marked as Exhibit 2.</p> <p>11 Regardless of what the legislature's intention is, are</p> <p>12 you able to identify a valid election administration</p> <p>13 purpose for including the language beginning, if you do</p> <p>14 not have a Texas driver's license on the ABBM form?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. The election administration purpose is to</p> <p>18 accurately state the law on the form.</p> <p>19 BY MR. FREEMAN:</p> <p>20 Q. Nothing else?</p> <p>21 A. That's it.</p> <p>22 Q. Mr. Ingram, what's the document that has</p> <p>23 been marked as Exhibit 3?</p> <p>24 A. It looks like an email.</p> <p>25 Q. If you go to the last page. Just take a</p>
<p style="text-align: right;">Page 43</p> <p>1 the correct voter?</p> <p>2 A. I lost your thread there.</p> <p>3 Q. Just confirming. During the 2022 general,</p> <p>4 did your office continue to tell local election</p> <p>5 administrators, county clerks they didn't need to apply</p> <p>6 a hierarchy between the DPS number and the SSN when</p> <p>7 they were determining whether an ABBM adequately</p> <p>8 identifies a voter for SB 1 purposes?</p> <p>9 A. Absolutely.</p> <p>10 Q. From an election administration</p> <p>11 perspective, during the 2022 general election did the</p> <p>12 language on this form directing voters to give their</p> <p>13 SSN for quote, if you do not have a Texas driver's</p> <p>14 license, Texas personal identification number or a</p> <p>15 Texas election identification certificate number, serve</p> <p>16 a purpose?</p> <p>17 MS. HUNKER: Objection, form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. It follows the law.</p> <p>20 BY MR. FREEMAN:</p> <p>21 Q. What is the purpose of the law in stating</p> <p>22 that --</p> <p>23 MS. HUNKER: Objection, form.</p> <p>24 BY MR. FREEMAN:</p> <p>25 Q. -- to your knowledge?</p>	<p style="text-align: right;">Page 45</p> <p>1 look at that real quickly. The email from Ms.</p> <p>2 Oehlschlager.</p> <p>3 A. Okay.</p> <p>4 Q. Am I correct that Ms. Oehlschlager wrote</p> <p>5 that because her mother followed the directions on the</p> <p>6 ABBM and nonetheless did not receive her mail ballot,</p> <p>7 this is an error in the application for a ballot by</p> <p>8 mail?</p> <p>9 A. I'm not sure exactly what she is trying to</p> <p>10 say here. I don't understand the issue with it.</p> <p>11 Q. Well, if I'm correct, Ms. Oehlschlager's</p> <p>12 mother submitted her driver's license number, and the</p> <p>13 county said she should have used the last four numbers</p> <p>14 of her Social Security rather than her driver's license</p> <p>15 number; is that your understanding of this email?</p> <p>16 A. That I think is what she is trying to say,</p> <p>17 yes.</p> <p>18 Q. Do you agree that because she followed the</p> <p>19 instructions on the form and provided her driver's</p> <p>20 license number rather than her Social, and did not</p> <p>21 receive a ballot, that the error is in the application?</p> <p>22 MS. HUNKER: Objection, form.</p> <p>23 BY MR. FREEMAN:</p> <p>24 Q. The form itself?</p> <p>25 A. No, I do not agree with that.</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. No.</p> <p>2 Q. Do you consider the rejection of Ms.</p> <p>3 Martin's daughter's ABBM to be her daughter's fault?</p> <p>4 A. I don't know what your interest in</p> <p>5 assessing fault is. I'm not going to say it's</p> <p>6 anybody's fault.</p> <p>7 Q. Is the ABMM designed to maximize the</p> <p>8 likelihood a voter who follows the instructions will</p> <p>9 have the form accepted?</p> <p>10 A. I don't know. It follows the law.</p> <p>11 Q. Going about an hour. Do you want to take a</p> <p>12 break for a minute or are you okay?</p> <p>13 A. I'm fine.</p> <p>14 Q. Since the May 2022 runoff -- we're changing</p> <p>15 gears. Did the Office of the Secretary of State make</p> <p>16 any changes to the mail ballot carrier envelope?</p> <p>17 A. Yes.</p> <p>18 MR. FREEMAN: We can mark this as Exhibit 5.</p> <p>19 (WHEREUPON, a certain document was</p> <p>20 marked Deposition Exhibit No. 5,</p> <p>21 for identification, as of 3/28/23.)</p> <p>22 BY MR. FREEMAN:</p> <p>23 Q. Mr. Ingram, what's this document?</p> <p>24 A. Well, it's an 8 1/2 x 11 copy of pieces of</p> <p>25 a carrier envelope.</p>	<p style="text-align: right;">Page 52</p> <p>1 that they may provide both a Texas driver's number and</p> <p>2 Social Security number?</p> <p>3 MS. HUNKER: Objection, form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. That's not the law.</p> <p>6 BY MR. FREEMAN:</p> <p>7 Q. Would it be helpful if it did?</p> <p>8 A. Doesn't matter if it's helpful or not.</p> <p>9 MS. HUNKER: Objection.</p> <p>10 BY THE WITNESS:</p> <p>11 A. It's not the law. We can't suggest to</p> <p>12 voters that both numbers are required. We can suggest</p> <p>13 to voters that they go ahead and voluntarily use both</p> <p>14 numbers, and that they increase their chances of</p> <p>15 success if they do, and we can hound that message big,</p> <p>16 but we can't make any suggestion on the official form</p> <p>17 that both numbers are required.</p> <p>18 BY MR. FREEMAN:</p> <p>19 Q. Just so I understand it. Why can you not</p> <p>20 say it's optional on the form?</p> <p>21 A. Because that's not the law.</p> <p>22 Q. Okay. Are there any current plans to alter</p> <p>23 the carrier envelope?</p> <p>24 A. If the law changes we will change the</p> <p>25 carrier envelope.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Is this the up-to-date version of the</p> <p>2 carrier envelope?</p> <p>3 A. It looks like it.</p> <p>4 Q. What changes were made during the general</p> <p>5 election period?</p> <p>6 A. We put a red box around the numbers and we</p> <p>7 changed the oath of office.</p> <p>8 Q. Did your staff consider any further changes</p> <p>9 to the mail ballot carrier envelope during the general</p> <p>10 election period?</p> <p>11 A. We did not.</p> <p>12 Q. Why not?</p> <p>13 A. There wasn't a need.</p> <p>14 Q. Did your office have any concerns about the</p> <p>15 red box being fully accessible to voters with any kinds</p> <p>16 of disabilities?</p> <p>17 A. No.</p> <p>18 Q. Is there an issue with the red type and</p> <p>19 voters with disabilities?</p> <p>20 A. I understand that to be the case, yes.</p> <p>21 Q. What's the issue?</p> <p>22 A. There's some people with some kinds of</p> <p>23 visual impairments don't see it.</p> <p>24 Q. Would it be helpful to Texas voters if the</p> <p>25 mail ballot carrier envelope itself informed voters</p>	<p style="text-align: right;">Page 53</p> <p>1 MR. FREEMAN: On to Exhibit 6.</p> <p>2 (WHEREUPON, a certain document was</p> <p>3 marked Deposition Exhibit No. 6,</p> <p>4 for identification, as of 3/28/23.)</p> <p>5 BY MR. FREEMAN:</p> <p>6 Q. Mr. Ingram, what's this document?</p> <p>7 A. This is the secrecy envelope that's put</p> <p>8 inside of the carrier envelope that contains the voter</p> <p>9 ballot. So copy of the front and back of it.</p> <p>10 Q. Is this up to date?</p> <p>11 A. Yes.</p> <p>12 Q. What changes were made during the general</p> <p>13 election period to this document?</p> <p>14 A. I don't know what specific changes were</p> <p>15 made. It looks like it was modified in July of '22,</p> <p>16 but I don't know what changed.</p> <p>17 Q. Were the assistants instructions changed?</p> <p>18 A. Well, it has to be, but the oath is not on</p> <p>19 here, so I don't know why we would change it.</p> <p>20 Q. Any other changes you are able to identify?</p> <p>21 A. Yes, it's No. 2 on the instruction to</p> <p>22 assistants that's what changed.</p> <p>23 Q. Paragraph 2 under instructions states that,</p> <p>24 "A voter must provide one of the following numbers,"</p> <p>25 correct?</p>

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<p style="text-align: right;">Page 62</p> <p>1 provisions of SB 1?</p> <p>2 A. We try to say things in a more English and</p> <p>3 flowing manner.</p> <p>4 MR. FREEMAN: I think it's a good time to take a</p> <p>5 quick break.</p> <p>6 (WHEREUPON, a recess was had.)</p> <p>7 BY MR. FREEMAN:</p> <p>8 Q. Mr. Ingram, since the May 2022 runoff, did</p> <p>9 The Office of the Secretary of State make any changes</p> <p>10 to the FPCA signature sheet?</p> <p>11 A. Yes.</p> <p>12 MR. FREEMAN: Mark this as Exhibit 10.</p> <p>13 (WHEREUPON, a certain document was</p> <p>14 marked Deposition Exhibit No. 10,</p> <p>15 for identification, as of 3/28/23.)</p> <p>16 BY MR. FREEMAN:</p> <p>17 Q. Mr. Ingram, what's this document?</p> <p>18 A. This is the signature sheet for voters from</p> <p>19 overseas or military who's domestic or oversees.</p> <p>20 Q. Is this the up-to-date version of that</p> <p>21 form?</p> <p>22 A. It is.</p> <p>23 Q. What changes were made during the general</p> <p>24 election period?</p> <p>25 A. The oath language was changed.</p>	<p style="text-align: right;">Page 64</p> <p>1 associated with the voter registration record?</p> <p>2 A. I don't know.</p> <p>3 Q. Are you aware of how many active duty</p> <p>4 members of the military had their ballots rejected</p> <p>5 during the 2022 general because of SB 1 number</p> <p>6 requirements?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you have any practical basis to believe</p> <p>9 that any rejected ballots submitted by FPCA voters were</p> <p>10 not returned by eligible Texas voters who were who they</p> <p>11 said they were?</p> <p>12 MS. HUNKER: Objection, form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I'm sorry. I don't understand the</p> <p>15 question.</p> <p>16 BY MR. FREEMAN:</p> <p>17 Q. Do you have any reason to believe that any</p> <p>18 FPCA voters -- strike that.</p> <p>19 Do you have any reason to believe that any</p> <p>20 FPCA ballots that were rejected due to SB 1 were</p> <p>21 submitted by individuals who were not eligible Texas</p> <p>22 voters?</p> <p>23 MS. HUNKER: Objection, form.</p> <p>24 BY THE WITNESS:</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. That's all?</p> <p>2 A. That's it.</p> <p>3 Q. Did you or your staff consider any further</p> <p>4 changes to the FPCA signature sheet during the general</p> <p>5 election period?</p> <p>6 A. We did not.</p> <p>7 Q. Why not?</p> <p>8 A. There was no need.</p> <p>9 Q. Is there a statutory reason, just to</p> <p>10 confirm, that the FPCA signature sheet could not inform</p> <p>11 military overseas voters that they may provide both a</p> <p>12 Texas driver's license number and a four digit Social?</p> <p>13 A. That's not required by the law.</p> <p>14 Q. Just to close the loop, if it's not</p> <p>15 required by the law it can't be on this form, correct?</p> <p>16 MS. HUNKER: Objection, form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. The form is a map to the law.</p> <p>19 BY MR. FREEMAN:</p> <p>20 Q. Any current plans to alter the signature</p> <p>21 sheet?</p> <p>22 A. No.</p> <p>23 Q. Are you aware of how many FPCA voters had</p> <p>24 their ballot rejected during the 2022 general election</p> <p>25 because of SB 1 requirements related to numbers</p>	<p style="text-align: right;">Page 65</p> <p>1 BY MR. FREEMAN:</p> <p>2 Q. Do you have any future plans to address</p> <p>3 ballot rejections among active duty military</p> <p>4 specifically?</p> <p>5 A. Not other than, you know, the what we are</p> <p>6 going to do with ballot boards, educate them on the</p> <p>7 early voting process and their opportunities there.</p> <p>8 Q. My colleague intends to address training</p> <p>9 conducted by The Office of the Secretary of State</p> <p>10 during Rule 30(b)(6) deposition, but I have a few quick</p> <p>11 questions about updates to the training prior to the</p> <p>12 end of last year. So if we could mark this document as</p> <p>13 Exhibit 11 I promise we will only talk about a few</p> <p>14 pages.</p> <p>15 (WHEREUPON, a certain document was</p> <p>16 marked Deposition Exhibit No. 11,</p> <p>17 for identification, as of 3/28/23.)</p> <p>18 BY MR. FREEMAN:</p> <p>19 Q. Mr. Ingram, what's this document?</p> <p>20 A. It appears to be a presentation on ballot</p> <p>21 by mail.</p> <p>22 Q. Is this the most recent presentation on</p> <p>23 ballot by mail that your office has provided?</p> <p>24 A. I believe so. I mean what I find on those</p> <p>25 power points is the date that it's printed is the date</p>

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<p style="text-align: right;">Page 66</p> <p>1 that shows up on here. So it's not really a very</p> <p>2 useful guide. But as far as I know, we didn't change</p> <p>3 our guidance or instructions in our presentations</p> <p>4 throughout the '22 year.</p> <p>5 Q. It's from the election law seminar. Do you</p> <p>6 know when that was held?</p> <p>7 A. I don't. It was in July or August.</p> <p>8 Q. Okay. Did you participate in the drafting</p> <p>9 of this document?</p> <p>10 A. I did review it, yes.</p> <p>11 Q. So others drafted, but you reviewed after</p> <p>12 it had been drafted; would that be right?</p> <p>13 A. That's correct.</p> <p>14 Q. Did you give the training based on this</p> <p>15 document?</p> <p>16 A. No, sir.</p> <p>17 Q. Who did?</p> <p>18 A. I don't remember, maybe Heidi Martinez.</p> <p>19 Q. Who is Ms. Martinez?</p> <p>20 A. She is one of our staff attorneys.</p> <p>21 Q. Does this presentation -- are you aware of</p> <p>22 whether this presentation instructed local clerks to</p> <p>23 inform voters upon request whether they had a driver's</p> <p>24 license or SSN on file?</p> <p>25 A. As I stated before, we don't have to tell</p>	<p style="text-align: right;">Page 68</p> <p>1 how they should look up the voter registration status</p> <p>2 of an applicant?</p> <p>3 A. No.</p> <p>4 Q. Do you have an understanding of how they</p> <p>5 typically go about doing that?</p> <p>6 A. They either use TEAM or they use their</p> <p>7 local system. And some off-line counties use TEAM for</p> <p>8 this.</p> <p>9 Q. What information do they plug in when they</p> <p>10 are trying to pull up the registration status like</p> <p>11 name?</p> <p>12 A. Well, I mean if you're using TEAM you can</p> <p>13 search by voter name. That's probably the way they do</p> <p>14 it. They are limited to their county.</p> <p>15 Q. If we turn to page 32. What are the</p> <p>16 matters set out here?</p> <p>17 A. This talks about the new law.</p> <p>18 Q. This is talking about looking up</p> <p>19 identification numbers; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. That is separate from looking up</p> <p>22 registration status?</p> <p>23 A. It's part of the registration status.</p> <p>24 Q. But it's --</p> <p>25 A. That's what it says at the last sentence</p>
<p style="text-align: right;">Page 67</p> <p>1 them to do that. That's something they do, they answer</p> <p>2 voter's questions.</p> <p>3 Q. Just to be clear, they -- you don't train</p> <p>4 them to do that, that's just something you expect them</p> <p>5 to do?</p> <p>6 MS. HUNKER: Objection, form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I expect county election officials to</p> <p>9 answer voter questions, yes, I do.</p> <p>10 BY MR. FREEMAN:</p> <p>11 Q. Including that question?</p> <p>12 A. Yes, including that question very much so.</p> <p>13 Q. Turning to page 31. What are the matters</p> <p>14 set on page 31?</p> <p>15 A. The best practices when reviewing an</p> <p>16 application for ballot by mail.</p> <p>17 Q. So this is the review conducted by the</p> <p>18 early voting clerk?</p> <p>19 A. Early voting clerk is the one who reviews</p> <p>20 applications for ballot by mail, yes.</p> <p>21 Q. The early voting clerk has to look up the</p> <p>22 registration status of the voter as part of that</p> <p>23 process?</p> <p>24 A. That's correct.</p> <p>25 Q. And do you suggest as part of that training</p>	<p style="text-align: right;">Page 69</p> <p>1 you talk to the voter registrar to confirm the voter</p> <p>2 registration and status.</p> <p>3 Q. But am I correct that the numbers provided</p> <p>4 here, driver's license, Social Security number, they</p> <p>5 are not used to look up the voter, they are used to</p> <p>6 confirm the voter; is that correct?</p> <p>7 A. They are used to make sure the voter has</p> <p>8 properly identified themselves on the application, yes.</p> <p>9 Q. Those numbers are not used to find the</p> <p>10 voter in TEAM as part of the ABBM processing, correct?</p> <p>11 A. No, sir. I mean not usually. I guess they</p> <p>12 could look it up by DL number if they wanted to.</p> <p>13 Q. Do you have any understanding as to</p> <p>14 whether -- strike that.</p> <p>15 Do you instruct local officials to do that?</p> <p>16 MS. HUNKER: Objection, form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. We don't tell them how they use TEAM. All</p> <p>19 of the fields are available to look up anything they</p> <p>20 want to look up.</p> <p>21 BY MR. FREEMAN:</p> <p>22 Q. Are you aware of any local officials using</p> <p>23 the Texas driver's license number or Social Security</p> <p>24 number to look up a voter as part of the initial</p> <p>25 determination of their registration status?</p>

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<p style="text-align: right;">Page 106</p> <p>1 Q. All the voter needs to do to get that 2 driver's license number is to call the clerk with 3 pre-SB 1 information and ask for which driver's license 4 number is on file, no? 5 MS. HUNKER: Objection, form. 6 BY THE WITNESS: 7 A. No. 8 BY MR. FREEMAN: 9 Q. Why not? 10 A. Because they can call and ask, "What do I 11 have on file?" They will say DL or SSN or both. 12 Q. What if they say what number is on file? 13 A. If the voter -- then I would imagine, I 14 don't know because I'm not a county, but if I was a 15 county voter registrar I would say, "What driver's 16 license number -- what's your driver's license number?" 17 They would look and say, "Yup that's what you got." 18 Q. Okay. Thank you for that clarification. 19 How many DPS ID numbers can be associated 20 with a voter's TEAM record? 21 A. One. 22 Q. Has there been any discussion, to your 23 knowledge, of adding a field to TEAM so that additional 24 driver's license numbers could be listed? 25 A. That's something that we have recently</p>	<p style="text-align: right;">Page 108</p> <p>1 A. I'm not going to get into assignment of 2 fault. 3 BY MR. FREEMAN: 4 Q. Do you know if the fact that DPS has issued 5 multiple ID numbers to the same individuals over their 6 lifetimes has led to the rejection of mail ballot 7 materials under SB 1? 8 MS. HUNKER: Objection, form. 9 BY THE WITNESS: 10 A. It's my understanding that's happened at 11 least in Bexar County because I have a member of the 12 ballot board who has been coming up here for the 13 election meetings because of it. 14 BY MR. FREEMAN: 15 Q. Have you conducted any further inquiry into 16 the extent to which such voters have had their mail 17 ballot materials rejected? 18 A. Just what she says. 19 Q. Is there anything else that could have been 20 done for voters who have multiple DPS ID numbers to 21 ensure their ballots are counted? 22 A. I don't know how to answer that question. 23 Q. I don't run an elections office. I'm 24 asking if you know of anything else that could have 25 been done by your office to help those voters?</p>
<p style="text-align: right;">Page 107</p> <p>1 discussed to think about the next iteration of TEAM, 2 and whether or not they want to have another field for 3 an ID number. That decision has not been made yet. 4 Q. What's the stage of the procurement process 5 for the next iteration of TEAM at this point? 6 A. We are going through the drafting of the 7 RFP, RFO, whatever we are calling it. 8 Q. Do you know when that will be complete? 9 A. Soon. If I had my way it would have been 10 two weeks ago. 11 Q. To be clear, if a voter has been issued 12 multiple DPS numbers and provides a DPS ID number 13 different from the one listed in TEAM on an ABBM and 14 does not also provide a Social Security number, that 15 ABBM will be rejected, correct? 16 A. If they don't provide a number that's in 17 their voter registration record they will be rejected, 18 yes, at least temporarily. 19 Q. Same thing on mail ballot? 20 A. Same thing on mail ballot. 21 Q. Would you agree a duly registered voter 22 whose ballot was rejected under these circumstances was 23 not at fault? 24 MS. HUNKER: Objection, form. 25 BY THE WITNESS:</p>	<p style="text-align: right;">Page 109</p> <p>1 A. I don't know how to answer that question. 2 Q. Okay. Is there anything else that the 3 voter could have done if they have an old number on 4 TEAM and submit number on their new ID card or vice 5 versa? 6 A. Well, the voter has the responsibility to 7 make sure their information in the voter registration 8 record is correct and accurate and updated. The voter 9 bears that responsibility. 10 Q. Do you know how many registered voters in 11 Texas have been issued multiple numbers in their 12 lifetimes? 13 A. I do not. 14 Q. Do you know how many ABBM or mail ballots 15 have been rejected on account of the voters submitting 16 a correct DPS ID number that was not listed on TEAM? 17 A. I don't. 18 Q. Have there been any actions taken by your 19 office other than in-filling driver's license numbers 20 as part of the HB2515 process to address the absence of 21 driver's license numbers or up-to-date driver's license 22 numbers on voter registration records? 23 A. We have made sure we have got a pipeline 24 from Texas.gov so that we can capture that log-in 25 information whenever someone logs in to fill in the</p>

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<p style="text-align: right;">Page 182</p> <p>1 A. If I do it will be related to the voter</p> <p>2 cross-check system.</p> <p>3 Q. Do you know if you will be providing any</p> <p>4 legal analysis or legal interpretation of election code</p> <p>5 for The Secretary of State?</p> <p>6 A. If requested, sure. They have mentioned</p> <p>7 they would like me to do some research projects.</p> <p>8 Q. Prior to March of 2023, did Ms. Christina</p> <p>9 Adkins report to you?</p> <p>10 A. She did.</p> <p>11 Q. You mentioned earlier in the deposition you</p> <p>12 will now report to her?</p> <p>13 A. That's correct.</p> <p>14 Q. Is your position still described as</p> <p>15 director for Secretary of State?</p> <p>16 A. I do not believe so. I'm not sure if I'm</p> <p>17 project manager or an attorney five, but something</p> <p>18 other than a director four.</p> <p>19 Q. Do you know if there has been any change in</p> <p>20 your annual salary?</p> <p>21 A. It should stay the same.</p> <p>22 Q. Will your new duties turn in part on</p> <p>23 whether the Texas legislature enacts new legislation in</p> <p>24 this current session?</p> <p>25 A. Sort of, but not really. The sort of that</p>	<p style="text-align: right;">Page 184</p> <p>1 in person. Like Ms. Perales, if I go quiet it's</p> <p>2 because I'm eliminating questions from my outline.</p> <p>3 Unlike Ms. Perales if I suddenly start swearing, you</p> <p>4 should know it's not about you, it's about trying to</p> <p>5 make the technology work because I have got exhibits I</p> <p>6 would like to show you and I'm not convinced that I can</p> <p>7 do that properly. But to start I just have a few</p> <p>8 questions.</p> <p>9 First of all, during the 2022 general</p> <p>10 election was any data collected by the State concerning</p> <p>11 the race of voters?</p> <p>12 A. No.</p> <p>13 Q. How about concerning the ethnicity of</p> <p>14 voters?</p> <p>15 A. No.</p> <p>16 Q. Am I correct that the State does not</p> <p>17 collect any such data?</p> <p>18 A. Agreed.</p> <p>19 Q. Turning to what happens after elections.</p> <p>20 Does your office conduct any of what I would call after</p> <p>21 action reports or after action meetings in which you</p> <p>22 get together with either people in your office or with</p> <p>23 the counties to discuss issues or problems they</p> <p>24 encountered during the election?</p> <p>25 A. Yes, we do. We do a version of that</p>
<p style="text-align: right;">Page 183</p> <p>1 is that, you know, assuming that they pass legislation</p> <p>2 that makes the withdrawal from ERIC, which makes the</p> <p>3 need more pressing. But either way with ERIC losing</p> <p>4 members we need to fill those gaps. So probably there</p> <p>5 needs to be a supplemental system no matter what.</p> <p>6 Q. Very clearly explained. Thank you. I</p> <p>7 think I understood what you said. It's a complicated</p> <p>8 topic.</p> <p>9 A. Agreed.</p> <p>10 MS. PERALES: I believe that I'm done. I will</p> <p>11 pass the witness. I think the next attorney is Victor</p> <p>12 Genecin if he's there. Shows him on screen.</p> <p>13 MS. PERALES: Victor, are you there?</p> <p>14 MR. GENECEIN: I'm here.</p> <p>15 EXAMINATION</p> <p>16 BY MR. GENECEIN:</p> <p>17 Q. I believe I'm unmuted. Let's just see.</p> <p>18 Yes, I can either turn on the screen. Can you see me?</p> <p>19 A. I can.</p> <p>20 Q. Very good. So, Mr. Ingram, my name is</p> <p>21 Victor Genecin. I'm with NAACP LDF. We represent the</p> <p>22 Houston Area Urban League Plaintiffs here. I don't</p> <p>23 believe you and I have ever met, have we?</p> <p>24 A. I don't believe so, no, sir.</p> <p>25 Q. I'm sorry not to be able to meet you today</p>	<p style="text-align: right;">Page 185</p> <p>1 internally as well as with county advisory group.</p> <p>2 Q. Who are the members of your county advisory</p> <p>3 group?</p> <p>4 A. I will forget some. It's better if I just</p> <p>5 provide a list later then try to recall them off the</p> <p>6 top of my head.</p> <p>7 Q. Why don't we do this. We will leave a</p> <p>8 blank in the transcript here and we can fill that in</p> <p>9 with your list. How's that?</p> <p>10 A.</p> <p>11 That's fine. It's about 30 some odd</p> <p>12 counties.</p> <p>13 Q. In terms of people with whom you meet</p> <p>14 internally after an election to conduct an after action</p> <p>15 group, who are those people?</p> <p>16 A. It is our attorneys as well as our election</p> <p>17 trainers.</p> <p>18 Q. In what form does that internal after</p> <p>19 election review take?</p> <p>20 MS. HUNKER: Objection, form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. It's just a meeting in the conference room</p> <p>23 and some people appear on TEAMS.</p> <p>24 BY MR. GENECEIN:</p> <p>25 Q. So it's a meeting, people talk?</p>

EXHIBIT

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION
4 LA UNION DEL PUEBLO ENTERO,)
5 et al.,)
6 Plaintiffs,)
7 vs.) Civil Action No.
8 STATE OF TEXAS, et al.,) 5:21-cv-844 (XR)
9 Defendants.) (Consolidated Cases)

6 -----
7 ORAL DEPOSITION OF
8 KEITH INGRAM
9 March 28, 2023
10 Volume 1
11 -----

12 ORAL 30(b)(6) DEPOSITION OF KEITH INGRAM, Volume
13 1, produced as a witness at the instance of the
14 Plaintiff, and duly sworn, was taken in the
15 above-styled and numbered cause on March 28, 2023, from
16 4:22 p.m. to 7:22 p.m., before Dana Shapiro, CSR, in
17 and for the State of Illinois, reported by machine
18 shorthand, at 209 W. 14th Street, Austin, Texas 78701,
19 pursuant to the Federal Rules of Civil Procedure and
20 any provisions stated on the record or attached
21 hereto.
22
23
24
25

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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR PLAINTIFFS OCA/REVUP TEXAS (via ZOOM):</p> <p>4 MS. LUCIA ROMANO</p> <p>5 DISABILITY RIGHTS TEXAS</p> <p>6 1500 McGowen, Suite 100</p> <p>7 Houston, Texas 77004</p> <p>8 713-974-7691</p> <p>9 lromano@disabilityrightstx.org</p> <p>10 -and-</p> <p>11 MS. COURTNEY LUTHER</p> <p>12 DISABILITY RIGHTS TEXAS</p> <p>13 2222 West Braker Lane</p> <p>14 Austin, Texas 78758</p> <p>15 512-454-4816</p> <p>16 cluther@disabilityrightstx.org</p> <p>17 FOR INTERVENOR-DEFENDANTS HARRIS COUNTY REPUBLICAN</p> <p>18 PARTY, DALLAS COUNTY REPUBLICAN PARTY, REPUBLICAN</p> <p>19 NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL</p> <p>20 COMMITTEE AND NATIONAL REPUBLICAN CONGRESSIONAL</p> <p>21 COMMITTEE (appeared via ZOOM):</p> <p>22 MR. STEPHEN J. KENNY</p> <p>23 JONES DAY</p> <p>24 51 Louisiana Avenue, NW</p> <p>25 Washington, D.C. 20001</p> <p>202-879-3939</p> <p>skenny@jonesday.com</p> <p>FOR PLAINTIFFS HOUSTON AREA URBAN LEAGUE; DELTA SIGMA</p> <p>THETA SORORITY, INC.; THE ARC OF TEXAS; AND JEFFREY</p> <p>LAMAR CLEMMONS (appeared via ZOOM):</p> <p>MR. KATHRYN SADASIVAN</p> <p>MR. VICTOR GENECEIN</p> <p>MS. URUJ SHEIKH</p> <p>NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.</p> <p>40 Rector Street, Fifth Floor</p> <p>New York, New York 10006</p> <p>212-965-2200</p> <p>ksadasivan@naacpldf.org</p> <p>vgenecing@naacpldf.org</p> <p>usheikh@naacpldf.org</p>	<p>1 A P P E A R A N C E S (continued):</p> <p>2 MR. DANIEL J. FREEMAN</p> <p>3 U.S. DEPARTMENT OF JUSTICE</p> <p>4 CIVIL RIGHTS DIVISION</p> <p>5 4 Constitution Square (4CON)</p> <p>6 150 M Street, N.E./8.143</p> <p>7 Washington, D.C. 20530</p> <p>8 202-305-4355</p> <p>9 Daniel.Freeman@usdoj.gov</p> <p>10</p> <p>11 FOR DEFENDANTS THE STATE OF TEXAS, GREG ABBOTT, IN HIS</p> <p>12 OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, JANE NELSON, IN</p> <p>13 HER OFFICIAL CAPACITY OF THE TEXAS SECRETARY OF STATE,</p> <p>14 WARREN K. PAXTON, IN HIS OFFICIAL CAPACITY AS THE TEXAS</p> <p>15 ATTORNEY GENERAL:</p> <p>16</p> <p>17 MS. KATHLEEN HUNKER</p> <p>18 MR. ETHAN SZUMANSKI</p> <p>19 OFFICE OF THE ATTORNEY GENERAL</p> <p>20 P.O. Box 12548</p> <p>21 Austin, Texas 78711-2548</p> <p>22 512-463-2100</p> <p>23 kathleen.hunker@oag.texas.gov</p> <p>24 ethan.szumanski@oag.texas.gov</p> <p>25 FOR OFFICE OF THE TEXAS SECRETARY OF STATE:</p> <p>MR. ADAM BITTER</p> <p>OFFICE OF THE SECRETARY OF STATE</p> <p>Capitol Building, Rm 1E.8</p> <p>P.O. Box 12697</p> <p>Austin, Texas 78711-2697</p> <p>512-475-2813</p> <p>abitter@sos.texas.gov</p> <p>FOR DEFENDANT LISA WISE, IN HER OFFICIAL CAPACITY AS</p> <p>THE EL PASO COUNTY ELECTIONS ADMINISTRATOR (via ZOOM):</p> <p>MR. GERMAINE HABELL</p> <p>COOLEY LLP</p> <p>Wells Fargo Center, South Tower</p> <p>355 South Grand Avenue, Suite 900</p> <p>Los Angeles, California 90071-1560</p> <p>213-561-3227</p> <p>ghabell@cooley.com</p> <p>FOR DEFENDANTS BEXAR COUNTY ELECTIONS ADMINISTRATOR,</p> <p>JACQUELYN CALLANEN AND BEXAR COUNTY DISTRICT ATTORNEY</p> <p>JOE D. GONZALES (via ZOOM):</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S (continued):</p> <p>2 FOR PLAINTIFFS LA UNION DEL PUEBLO ENTERO SOUTHWEST</p> <p>3 VOTER REGISTRATION EDUCATION PROJECT:</p> <p>4 MS. NINA PERALES</p> <p>5 MS. JULIA R. LONGORIA(via ZOOM)</p> <p>6 MS. FATIMA L. MENENDEZ(via ZOOM)</p> <p>7 MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND</p> <p>8 110 Broadway, Suite 300</p> <p>9 San Antonio, Texas 78205</p> <p>10 210-224-5476</p> <p>11 nperales@maldef.org</p> <p>12 jlongoria@maldef.org</p> <p>13 fmenendez@maldef.org</p> <p>14 -and-</p> <p>15 MR. JASON KANTERMAN (via ZOOM)</p> <p>16 MR. KEVIN ZHEN (via ZOOM)</p> <p>17 FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP</p> <p>18 One New York Plaza</p> <p>19 New York, New York 10004</p> <p>20 212-859-8519</p> <p>21 Jason.Kanterman@friedfrank.com</p> <p>22 Kevin.Zhen@friedfrank.com</p> <p>23</p> <p>24 FOR PLAINTIFFS LULAC, TEXAS, VOTO LATINO, TEXAS</p> <p>25 ALLIANCE FOR RETIRED AMERICANS, TEXAS AFT (appeared via</p> <p>ZOOM):</p> <p>MS. MARISA O'GARA</p> <p>ELIAS LAW GROUP LLP</p> <p>250 Massachusetts Avenue, NW, Suite 400</p> <p>Washington, D.C. 20001</p> <p>202-968-4490</p> <p>mogara@elias.law</p> <p>FOR THE UNITED STATES:</p> <p>MR. JUSTIN BENNETT(appeared via ZOOM)</p> <p>MR. RICHARD A. DELLHEIM</p> <p>MR. MICHAEL E. STEWART</p> <p>U.S. DEPARTMENT OF JUSTICE</p> <p>CIVIL RIGHTS DIVISION</p> <p>950 Pennsylvania Avenue, NW</p> <p>Washington, D.C. 20530</p> <p>800-253-3931</p> <p>Justin.Bennett@usdoj.gov</p> <p>Richard.Dellheim@usdoj.gov</p> <p>Michael.Stewart3@usdoj.gov</p> <p>-and-</p>	<p>1 A P P E A R A N C E S (continued):</p> <p>2 MS. LISA V. CUBRIEL</p> <p>3 ASSISTANT DISTRICT ATTORNEY-CIVIL SECTION</p> <p>4 BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE</p> <p>5 7th Floor Paul Elizondo Tower</p> <p>6 101 West Nueva</p> <p>7 San Antonio, Texas 78205-3030</p> <p>8 210-335-2142</p> <p>9 Lisa.Cubriel@bexar.org</p> <p>10</p> <p>11 FOR PLAINTIFF MI FAMILIA VOTA (via ZOOM):</p> <p>12</p> <p>13 MS. COURTNEY HOSTETLER</p> <p>14 FREE SPEECH FOR PEOPLE</p> <p>15 1320 Centre Street, #405</p> <p>16 Newton, Massachusetts 02459</p> <p>17 617-249-3015</p> <p>18 chostetler@freespeechforpeople.org</p> <p>19 FOR DEFENDANTS CLIFFORD TATUM, IN HIS OFFICIAL CAPACITY</p> <p>20 AS HARRIS COUNTY ELECTIONS ADMINISTRATOR (via ZOOM):</p> <p>21</p> <p>22 MR. SAMEER S. BIRRING</p> <p>23 SENIOR ASSISTANT COUNTY ATTORNEY</p> <p>24 OFFICE OF THE HARRIS COUNTY ATTORNEY</p> <p>25 1019 Congress Plaza, 15th Floor</p> <p>Houston, Texas 77002</p> <p>713-274-5101</p> <p>Sameer.Birring@harriscountytexas.gov</p> <p>FOR DEFENDANT HIDALGO COUNTY ELECTIONS ADMINISTRATOR</p> <p>DELIA GARZA (via ZOOM):</p> <p>MS. LEIGH ANN TOGNETTI</p> <p>ASSISTANT DISTRICT ATTORNEY</p> <p>100 East Cano, First Floor</p> <p>Hidalgo County Courthouse Annex III</p> <p>Edinburg, Texas 78539</p> <p>956-292-7609</p> <p>leigh.tognetti@da.co.hidalgo.tx.us</p> <p>ALSO PRESENT (via ZOOM):</p> <p>MS. MORGAN HUMPHREY</p> <p>MS. SAMANTHA KOBOR</p>

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<p>1 (WHEREUPON, the witness was duly</p> <p>2 sworn.)</p> <p>3 EXAMINATION</p> <p>4 BY MR. STEWART:</p> <p>5 Q. Good afternoon, Mr. Ingram. I know we have</p> <p>6 met before. I'm Mike Stewart. I'm here for the United</p> <p>7 States. This is the 30(b)(6) portion of your</p> <p>8 deposition on behalf of the Secretary of State,</p> <p>9 correct?</p> <p>10 A. I understand.</p> <p>11 MR. STEWART: Does everybody else want to make an</p> <p>12 appearance? I will represent I'm here with Mr. Dan</p> <p>13 Freeman and Mr. Richard Dellheim for the United States.</p> <p>14 Nina, do you want to make an appearance?</p> <p>15 MS. PERALES: Nina Perales for the LUPE</p> <p>16 Plaintiffs, L-U-P-E.</p> <p>17 MS. HUNKER: Kathleen Hunker and Ethan Szumanski</p> <p>18 representing the State Defendants as well as individual</p> <p>19 legislators for the purpose of representing their</p> <p>20 legislative privilege to the extent it comes up.</p> <p>21 Accompanied by Adam Bitter who represents the Secretary</p> <p>22 of State as general counsel.</p> <p>23 MR. STEWART: Is there anyone else on the Zoom</p> <p>24 who plans to ask questions on this deposition?</p> <p>25 MR. GENECHIN: I do. Victor Genecin from NAACP</p>	<p>1 your ability to understand my questions or give full</p> <p>2 and complete answers today?</p> <p>3 A. No.</p> <p>4 Q. Thank you. I'm going to go ahead and hand</p> <p>5 you our first exhibit for this portion of deposition.</p> <p>6 (WHEREUPON, a certain document was</p> <p>7 marked SOS Exhibit No. 1, for</p> <p>8 identification, as of 3/28/23.)</p> <p>9 BY MR. STEWART:</p> <p>10 Q. Do you recognize this document, Mr. Ingram?</p> <p>11 A. I do.</p> <p>12 Q. Is this the deposition notice pursuant to</p> <p>13 which you are testifying this afternoon?</p> <p>14 A. It is.</p> <p>15 Q. If you flip to Exhibit A, which is a list</p> <p>16 of topics. I understand you are prepared to testify on</p> <p>17 some of these topics today; is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Just so we understand the topics that will</p> <p>20 be excluded from this deposition will be 15, parts of</p> <p>21 31 and 32, all of 34 and all of 17. I apologize those</p> <p>22 are out of order. 15, 17, 31 in part, 32 in part, and</p> <p>23 34 will be excluded from this portion, correct?</p> <p>24 A. I believe that's correct, yes, sir.</p> <p>25 Q. You are prepared to testify on all of the</p>

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<p style="text-align: right;">Page 18</p> <p>1 complicated.</p> <p>2 Q. Does the Secretary of State's Office</p> <p>3 consider cancellation of ABBM to be a form of cure?</p> <p>4 A. Well, it's choice of voter as to whether or</p> <p>5 not to pursue voting by mail or decide to vote in</p> <p>6 person. From my perspective if the voter successfully</p> <p>7 votes that's a win.</p> <p>8 Q. You haven't considered specifically to put</p> <p>9 that under the umbrella of cure, if it's aimed towards</p> <p>10 successful voting?</p> <p>11 MS. HUNKER: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Right. It's not a cure of application if</p> <p>14 they decide to vote by person, but it is a successful</p> <p>15 vote.</p> <p>16 BY MR. STEWART:</p> <p>17 Q. So then turning back to the same language</p> <p>18 you looked at on page 12. This was presented this way</p> <p>19 and then as use ballot by mail tracker to correct the</p> <p>20 defects and have ABBM corrected or canceled their</p> <p>21 application and voted in person because that's the way</p> <p>22 data is maintained with those two things together,</p> <p>23 right?</p> <p>24 A. The data is maintained as to whether or not</p> <p>25 there was successful vote, yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 supplement response as far as I know supplemental</p> <p>2 response is accurate as well. I want to separate the</p> <p>3 two.</p> <p>4 Q. For the clean record, specifically for the</p> <p>5 supplemental response do the numbers there appear</p> <p>6 accurate to you?</p> <p>7 A. Yes.</p> <p>8 Q. So if we turn to page 14 what appears to be</p> <p>9 the final item or the final paragraph says total number</p> <p>10 of voters who use the ballot by mail tracker to correct</p> <p>11 defective carrier envelope and had their mail ballot</p> <p>12 accepted or cancelled -- withdraw that.</p> <p>13 Total number of voters who use the ballot</p> <p>14 by mail tracker to correct a defective carrier envelope</p> <p>15 and had their mail ballot accepted or cancel their mail</p> <p>16 ballot voted in person: 1,496.</p> <p>17 Do you see where I am?</p> <p>18 A. I do.</p> <p>19 Q. I may know the answer to this, but similar</p> <p>20 question as before, does the Secretary of State</p> <p>21 maintain data that could separately show the number of</p> <p>22 voters who used the tracker to correct a carrier</p> <p>23 envelope and separately the number of voters who</p> <p>24 cancelled?</p> <p>25 A. I think we could get there.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Turning to Exhibit 8 beginning on the</p> <p>2 bottom of page 12 on the same exhibit. Do you see</p> <p>3 where I am?</p> <p>4 A. Yes.</p> <p>5 Q. There is a portion where that asks state</p> <p>6 the number of voters who have cured carrier envelope</p> <p>7 identification defects using any on-line portal</p> <p>8 provided pursuant to SB1 from February 9, 2022 to</p> <p>9 present, correct?</p> <p>10 A. Correct.</p> <p>11 Q. The original response identified that TEAM</p> <p>12 captures only the current or most recent status seeked</p> <p>13 with any information in voter records, correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Does that remain true for data collected</p> <p>16 through the November 8, 2022 general election?</p> <p>17 A. That's correct.</p> <p>18 Q. Looking at the supplemental response on</p> <p>19 page 13 and take a moment if you need to. But does the</p> <p>20 data information here remain accurate, to the best of</p> <p>21 your understanding today?</p> <p>22 A. From the first answer, yes.</p> <p>23 Q. By the first answer which one are you</p> <p>24 identifying?</p> <p>25 A. I'm talking about the response and not the</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. How would you get there?</p> <p>2 A. With a separate query for people who using</p> <p>3 this universe of numbers at 1531, if we still have that</p> <p>4 list, and using it to who voted to decide to check who</p> <p>5 voted in person.</p> <p>6 Q. Is it Ms. Hart who would know how to do</p> <p>7 that as well?</p> <p>8 A. Well, she would know if there is a query</p> <p>9 they could get that info.</p> <p>10 Q. Is it correct that similar to an ABBM, the</p> <p>11 tracker cannot be used to cancel a mail ballot request?</p> <p>12 A. That's correct.</p> <p>13 Q. What was the overall statewide rejection</p> <p>14 rate of ABBM for the November 22 general election?</p> <p>15 MS. HUNKER: Objection, form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't know.</p> <p>18 BY MR. STEWART:</p> <p>19 Q. Do you know if there was somewhere we could</p> <p>20 find that information?</p> <p>21 A. We can check and see what TEAM says, but</p> <p>22 it's not accurate.</p> <p>23 Q. Why is it inaccurate?</p> <p>24 A. Because not all of the counties entered the</p> <p>25 information.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. Is there any other reason other than lack 2 of information from counties that it would be 3 inaccurate? 4 A. We have got the continuing program. It's a 5 live database and changes come and somebody has 6 cancelled or gone out of the system since then that 7 information won't be there anymore. 8 Q. Just so I'm clear, that's because records 9 for an individual voter could have rolled off that 10 would show that information? 11 A. That's right. 12 Q. Do you know approximately what portion of 13 the counties entered information for ABBMs? 14 A. No. 15 Q. Would you estimate it's more or less than 16 50 percent? 17 MS. HUNKER: Objection, form. 18 BY THE WITNESS: 19 A. So I think probably more than 50 percent of 20 counties entered ABBM information, but they don't 21 represent more than 50 percent of voters. 22 BY MR. STEWART: 23 Q. What was the overall statewide rejection 24 rate of mail ballots for the November 22 general 25 election?</p>	<p style="text-align: right;">Page 24</p> <p>1 record. 2 Q. Do you know that information sitting here? 3 A. I don't. 4 Q. Do you know of any counties that entered 5 partial ABBM data? 6 MS. HUNKER: Objection, form. 7 BY MR. STEWART: 8 Q. We know there are some based on your 9 testimony that did not enter ABBM data correct, and 10 then are there some that entered complete ABBM data, to 11 your knowledge? 12 A. Yes. 13 Q. Are there any that say started entering 14 ABBM data, but didn't complete or started after certain 15 date or for whatever reason is incomplete? 16 A. Yes, I believe Bexar County falls in that 17 category. 18 Q. Do you know why they changed their entry 19 practices? 20 A. Well, because we were after the counties to 21 enter the ABBM data. 22 Q. Do you remember approximately what date 23 that was when you asked counties to enter? 24 A. No, I mean we were continuously contacting 25 counties, and we felt weren't, you know, doing what</p>
<p style="text-align: right;">Page 23</p> <p>1 A. 2.7 percent. 2 Q. Do you know what portion of those 3 rejections were because of missing or incorrect ID 4 information? 5 A. I know that there is 163 of them that were 6 rejected because they supplied a number on their 7 carrier envelope, but didn't have one in their voter 8 registration record. 9 Q. That's because -- withdraw that. 10 Those are identified, the 163 are ones that 11 there was no number in the voter registration record at 12 all? 13 A. That's right. 14 Q. Is that the only breakdown of that 15 information you are able to give as far as rejections 16 because of SB 1 identification number requirement? 17 A. Without running a query that's what 18 information I have now. 19 Q. Is there a query that can be run to 20 determine how many rejected that were provided an ID 21 number and there was an ID number in the team database, 22 but it was incorrect or mismatched? 23 A. There is a query that can determine how 24 many were rejected for a mismatched number or that, you 25 know, they didn't provide a number that was in the</p>	<p style="text-align: right;">Page 25</p> <p>1 they are supposed to do with regard to ballot tracker 2 from the time mail ballots started coming back. 3 Q. Was that in the run up to the general or 4 primary? 5 A. General. 6 Q. Are you aware of any counties that failed 7 to enter mail ballot rejection data into TEAM for the 8 general election? 9 A. We had much better success with that. It 10 could be some were miscoded, but pretty sure we got 11 most compliance with that. 12 Q. Those were what you would say were human 13 error? 14 A. Right. 15 Q. Any other reasons they might be miscoded? 16 A. I mean you can call it human error, but 17 it's because they don't know what code applies to what 18 situation. 19 Q. Basically an attempt to enter data but done 20 incorrectly? 21 A. Correct. 22 Q. Are you aware of any technical issues with 23 TEAM that prevented the entry of complete and accurate 24 mail ballot data for the general election? 25 A. Not in general election, no.</p>

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<p style="text-align: right;">Page 34</p> <p>1 one voter a certain way they have got to treat all</p> <p>2 voters similarly situated the same way.</p> <p>3 Q. Did the Secretary of State's Office issue,</p> <p>4 leaving aside those responses to those questions, any</p> <p>5 new guidance regarding the ID number requirements after</p> <p>6 the primary runoff?</p> <p>7 A. No.</p> <p>8 Q. Nothing about the implementation should</p> <p>9 have changed following the primary runoff, correct?</p> <p>10 A. I don't believe so. I mean we sent</p> <p>11 reminders about that implementation, we had seminar</p> <p>12 presentations about that implementation. We sent, you</p> <p>13 know, materials that they could print and distribute to</p> <p>14 voters about that implementation, but the guidance</p> <p>15 itself didn't change after that.</p> <p>16 Q. Did any county request to modify a form</p> <p>17 used to implement the ID number requirement following</p> <p>18 the primary runoff?</p> <p>19 A. We had some requests for different sizes</p> <p>20 and shapes and orientations of the carry envelope. I</p> <p>21 believe all of those were before the runoff.</p> <p>22 Q. Anything that would have changed the</p> <p>23 substance of either the carrier envelope or the ABBM</p> <p>24 form?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. She says that Tarrant's reply was that the</p> <p>2 voter had to come to their office to fix the issue,</p> <p>3 correct?</p> <p>4 A. That's what she says.</p> <p>5 Q. Would advice be correct, to the best of</p> <p>6 your knowledge?</p> <p>7 A. Well, it kind of depends what issue they</p> <p>8 were telling her that she needed to correct. If she</p> <p>9 needed to correct the number in the voter registration</p> <p>10 record obviously she could do that with a voter</p> <p>11 registration application and she doesn't need to come</p> <p>12 in person. If she's trying to fix the problem with the</p> <p>13 application for ballot by mail then probably she needs</p> <p>14 to show up in person or fill out a new application with</p> <p>15 the transposed digits.</p> <p>16 Q. I see. So if the problem were with the</p> <p>17 ABBM, would she be able to correct that in the portal?</p> <p>18 A. If the problem was that the original number</p> <p>19 was transposed, the only way to fix it in the portal</p> <p>20 was to create the transposed numbers are correct.</p> <p>21 Q. The portal can't be used to change what's</p> <p>22 in TEAM, it only be used to change what's on the ABBM?</p> <p>23 A. That's correct.</p> <p>24 Q. So how would she fix the issue -- if it is</p> <p>25 correct that the issue in TEAM, what ways could she be</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Anything that would have changed the</p> <p>2 substance of any of the instruction forms that the SOS</p> <p>3 prepares?</p> <p>4 A. No.</p> <p>5 MR. STEWART: I think this is SOS 4.</p> <p>6 (WHEREUPON, a certain document was</p> <p>7 marked Deposition Exhibit No. 4,</p> <p>8 for identification, as of 3/28/23.)</p> <p>9 BY MR. STEWART:</p> <p>10 Q. You should have document SOS 4, state</p> <p>11 122242. I will give you a second to read that. That's</p> <p>12 the double-sided. Let me know when you have had a</p> <p>13 chance to read it. Are you good?</p> <p>14 A. Yes.</p> <p>15 Q. This appears to be an email from a voter to</p> <p>16 Secretary of State's Office, correct?</p> <p>17 A. I agree with that.</p> <p>18 Q. The voter identifies, would you agree with</p> <p>19 the characterization, that they say the Tarrant County</p> <p>20 election office said the numbers in the voter</p> <p>21 registration database, I take that to mean their ID</p> <p>22 numbers were transposed.</p> <p>23 A. That's what she says that her Social</p> <p>24 Security number was entered incorrectly when she</p> <p>25 originally registered back in 1980.</p>	<p style="text-align: right;">Page 37</p> <p>1 directed to fix that?</p> <p>2 A. I think the only way you can fix that to</p> <p>3 fill out a new voter registration application with the</p> <p>4 correct number.</p> <p>5 Q. So if TEAM then is the source of</p> <p>6 transposition, it would be correct from Tarrant that</p> <p>7 she would need to go into the office to correct that?</p> <p>8 MS. HUNKER: Objection, form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. You don't need to fill out a voter</p> <p>11 registration application in person.</p> <p>12 BY MR. STEWART:</p> <p>13 Q. That's something she also could have done</p> <p>14 remotely, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. If it's correct in fact that the numbers</p> <p>17 are transposed in TEAM, she would not be able to enter</p> <p>18 the portal entering the correct number, right?</p> <p>19 A. That's correct. She would have to enter</p> <p>20 the transposed number and agree it's the correct number</p> <p>21 for her mail bound application to be accepted.</p> <p>22 Q. Got it. I want to turn to -- I think last</p> <p>23 year when we spoke we discussed the HB2512 process; do</p> <p>24 you recall?</p> <p>25 A. I do.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. That's the process for present purposes by 2 which driver's license, ID number or SSN data is 3 imported from DPS database into team, correct? 4 A. That's correct. 5 Q. Was the HB2512 process run at any point in 6 2022 following the primary election? 7 A. No. 8 Q. Was it -- 9 A. It was in December. 10 Q. In December following the general election? 11 A. Not before the general. 12 Q. Not before the general, but in 2022 13 following -- let me withdraw that. It was not run 14 between the primary and the general, correct? 15 A. That's correct. 16 Q. It was run following the general before the 17 end of the year? 18 A. I agree. 19 Q. Has it been run again since then? 20 A. No, sir. 21 Q. Is that a regular annual process is that 22 why it was run in December? 23 A. It has historically been run in December, 24 not every December, but obviously the last two. 25 Q. I'm going to hand you what will be SOS 5. I</p>	<p style="text-align: right;">Page 40</p> <p>1 A. That's correct. If an individual went to 2 DPS to renew driver's license and supplied a new number 3 or changed a number, it would be reflected in this. 4 BY MR. STEWART: 5 Q. And then the post numbers reflect the state 6 of the database following the HB2512 process in 7 December of 2022, correct? 8 A. Agree with that. 9 Q. Looking at these numbers. There would be 10 some organic change in these numbers without the HP2512 11 process perhaps not to this degree, but they wouldn't 12 look the same as the 2021 numbers, correct? 13 A. Agree with that. 14 Q. Would you agree that though the HP2512 15 process did change these numbers to some extent? 16 A. Yes. 17 Q. Do you think the majority of this change is 18 due to HP2512? 19 MS. HUNKER: Objection, form. 20 BY THE WITNESS: 21 A. When you say this change what do you mean? 22 BY MR. STEWART: 23 Q. From the initial numbers on the left to the 24 post numbers on the right, each of which decreased. 25 For each of those categories, would you say the</p>
<p style="text-align: right;">Page 39</p> <p>1 will state I don't know why this document presented 2 without a Bates number. You Bates number on it. It is 3 state 137751. Just to put that on the record. 4 (WHEREUPON, a certain document was 5 marked Deposition Exhibit No. 5, 6 for identification, as of 3/28/23.) 7 MS. HUNKER: Thank you. 8 BY MR. STEWART: 9 Q. Do you recognize this document, Mr. Ingram? 10 A. I do. 11 Q. What is this? 12 A. This is the result of the comparison 13 process from December of '22. 14 Q. That's the same HB2512 process we were just 15 discussing? 16 A. That's correct. 17 Q. So the initial numbers, would they reflect 18 the state of the database following the 2021 process? 19 A. Plus whatever changes were made in the 20 course of the 2022. 21 Q. So they wouldn't reflect any changes from a 22 systemic process, but they could represent -- reflect 23 what I will call ad hoc changes to individual records? 24 MS. HUNKER: Objection, form. 25 BY THE WITNESS:</p>	<p style="text-align: right;">Page 41</p> <p>1 majority of the decrease is attributable to the HP2512 2 process? 3 A. I would say the changes exclusively related 4 to 2512 process. 5 Q. Why do you think additional numbers were 6 caught in the 2022 process that were not caught in the 7 2021 process? 8 A. Because database is not the same. 9 Q. You are saying some individuals may have, 10 for example, added an SSN or a driver's license to the 11 DPS database during the year 2022 before this was run 12 that are then pulled into the team database? 13 A. No. I mean that could happen. But more 14 likely is the information in the TEAM database changed 15 so our matching was more efficient. 16 Q. I see. So do you think it was mostly 17 attributable to improvement in matching on these 18 records? 19 A. Not -- the matching criteria didn't change. 20 So the data that we use improves and the matching gets 21 better. So if a voter supplied one or the other of the 22 numbers then it's easier to pull in the other number. 23 Q. You anticipated my next question. The 24 matching criteria was the same in the 2022 process as 25 in the 2021 process?</p>

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<p style="text-align: right;">Page 42</p> <p>1 A. Yes.</p> <p>2 Q. Would there have been any new registrants</p> <p>3 who were able to register with only one of the driver's</p> <p>4 license or SSN numbers?</p> <p>5 A. One of those numbers is the only thing</p> <p>6 that's required so definitely we could have had new</p> <p>7 registrants who registered with one number or the</p> <p>8 other, and we were able to get the other number for</p> <p>9 that voter pulled in through that process.</p> <p>10 Q. Just so it's clear in my mind, this would</p> <p>11 have -- the change in these numbers from initial to</p> <p>12 post would capture 2021 first time registrants who</p> <p>13 registered with one number, and then had the other</p> <p>14 number pulled in through this HP2512 process?</p> <p>15 A. I agree with that. I think you meant to</p> <p>16 say '22 in that question.</p> <p>17 Q. I appreciate that correction.</p> <p>18 Looking at these individual categories,</p> <p>19 looking at the third category, number of active and</p> <p>20 suspense, I'm going from top to bottom, the third</p> <p>21 category number of active and suspense voters that have</p> <p>22 neither a TDL or SSN on their voter record, no value</p> <p>23 for both fields. So those are the individuals in TEAM</p> <p>24 who did not have either the TDL or the -- any portion</p> <p>25 of an SSN, correct?</p>	<p style="text-align: right;">Page 44</p> <p>1 registration record that the county gets from the voter</p> <p>2 is supposed to be reported nightly. So that's what we</p> <p>3 call our batch process. That's not the same as syncing</p> <p>4 the data. Syncing the data means we want to make sure</p> <p>5 everything we have got in our system is captured in</p> <p>6 off-line system so the databases are identical, right.</p> <p>7 So the goal is to have zero differences in the sync</p> <p>8 file. This kind of change in the SOS file is what we</p> <p>9 are trying to sync to the voters. Then of course there</p> <p>10 are other kinds of changes the county makes with regard</p> <p>11 to pre-syncing in particular that aren't reflected in</p> <p>12 an individual voter change that we would get in a batch</p> <p>13 process. We want to sync those up as well. So those</p> <p>14 are the two things that we are syncing is making sure</p> <p>15 that everything from our database is in theirs and</p> <p>16 making sure all of their precinct lines they may have</p> <p>17 re-drawn are in ours.</p> <p>18 Q. Taking those two processes separately</p> <p>19 because I assume -- do those processes run at the same</p> <p>20 time?</p> <p>21 A. Yes.</p> <p>22 Q. They do?</p> <p>23 A. The sync is simultaneous.</p> <p>24 Q. So the sync is referring to information</p> <p>25 from TEAM filtering down to the counties?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. Agree with that.</p> <p>2 Q. That number moved by less than 2,000,</p> <p>3 correct?</p> <p>4 A. It looks like about 1,300 maybe.</p> <p>5 Q. Why do you think the movement in that was</p> <p>6 smaller than in the other categories?</p> <p>7 A. Because it's the hardest category to do</p> <p>8 anything with.</p> <p>9 Q. Have you discussed any way to capture more,</p> <p>10 improve the HP2512 process for that category of voters</p> <p>11 in the future?</p> <p>12 A. No.</p> <p>13 Q. Just a couple quick questions. After the</p> <p>14 HP2512 process is run, how are those changes filtered</p> <p>15 out to off-line counties?</p> <p>16 A. They are supposed to sync their data with</p> <p>17 ours on a monthly basis.</p> <p>18 Q. That occurs monthly?</p> <p>19 A. It does or it's supposed to.</p> <p>20 Q. Is that a two-way sync? So, for example,</p> <p>21 if something gets changed in the county's off-line</p> <p>22 database more recently than the information in TEAM,</p> <p>23 should that be then filtering into TEAM as well?</p> <p>24 A. So there is two different things that you</p> <p>25 might be confusing here. Any changes in voter</p>	<p style="text-align: right;">Page 45</p> <p>1 A. That's right.</p> <p>2 Q. That occurs monthly?</p> <p>3 A. It's supposed to occur monthly. We have to</p> <p>4 do it much less often. With this change in law it</p> <p>5 became expedient to do it more often.</p> <p>6 Q. All new registrations are entered by the</p> <p>7 county into their databases, correct?</p> <p>8 A. That's right, many changes to registration</p> <p>9 is entered.</p> <p>10 Q. Those changes are coming upward to TEAM</p> <p>11 daily?</p> <p>12 A. That's right.</p> <p>13 Q. Then new information from HP2512 is going</p> <p>14 from TEAM to the counties monthly?</p> <p>15 A. Well, we sync the database monthly. The</p> <p>16 new information from 2512 is obviously an annual thing.</p> <p>17 Q. I see. It would be part of that monthly</p> <p>18 sync process?</p> <p>19 A. It would.</p> <p>20 Q. Information entered into the texas.gov</p> <p>21 portal that gets pulled over, where does that go first?</p> <p>22 A. To TEAM.</p> <p>23 Q. That will to the counties as part of the</p> <p>24 monthly process?</p> <p>25 A. That's right.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. If there is any difference in the county 2 and state databases, would those likely be due to a lag 3 in time between basically the monthly process 4 occurring? 5 MS. HUNKER: Objection, form. 6 BY THE WITNESS: 7 A. That's right, or they haven't resolved 8 everything that was a difference in the last sync file. 9 BY MR. STEWART: 10 Q. What does it mean to resolve it? 11 A. To choose one or the other. 12 Q. When something comes down from the sync 13 file from TEAM to the county, the county needs to 14 resolve each of those in their own database? 15 A. That's correct. 16 Q. If there is an import from Texas.gov, those 17 cannot be used by the county in the cure process until 18 the next sync occurs; is that correct? 19 A. No, they can use TEAM. They are -- all 20 have access to TEAM and we told them to use tell. 21 Q. They wouldn't be reflected in the county, 22 but the instruction from the SOS is to also look in the 23 TEAM database? 24 A. That's right. 25 Q. Do you know if all counties follow that</p>	<p style="text-align: right;">Page 48</p> <p>1 marked SOS Exhibit No. 6, for 2 identification, as of 3/28/23.) 3 BY MR. STEWART: 4 Q. Give you a second to read, Mr. Ingram. 5 A. Okay. 6 Q. This is a mass email from the Secretary of 7 State's Office to county election officials? 8 A. That's correct. 9 Q. That's with instructions on finalizing 10 election reporting for the March 1 primary, correct? 11 A. That's correct. 12 Q. I want to focus on the section that 13 bulleted incomplete or missing TDL/SSN/on-line cure 14 available. I'm going to look at the last paragraph 15 there to make sure I understand what it's saying. Are 16 these directions on how ABBM information should be 17 entered into TEAM? 18 A. Yes. 19 Q. It says, "For ballots marked incomplete or 20 missing TDL/SSN on-line cure available following the 21 deadline for correction the ABBM records will need to 22 be updated to received after deadline. Off-line 23 counties will need to submit status update for these 24 records. Please verify correct coding for these 25 statuses with your vendors."</p>
<p style="text-align: right;">Page 47</p> <p>1 instruction? 2 A. I don't know that for sure. I'm pretty 3 sure Bexar County didn't. Jackie does what Jackie 4 does. 5 Q. Any others you think may not have? 6 A. No, I'm pretty sure they mostly did. 7 Q. Are you aware of any counties -- withdraw 8 that. Good news is I'm shortening my questions here. 9 Did any county report -- rephrase that. 10 Did any off-line counties report to the SOS 11 their vendors having issues with information keeping 12 for mail ballots for the general election? 13 A. Not for the general. 14 Q. For the primary? 15 A. Yes. 16 Q. Which counties were those if you recall? 17 A. The VOTEC counties. 18 MR. STEWART: Could we take a short break. 19 (WHEREUPON, a recess was had.) 20 BY MR. STEWART: 21 Q. I'm going to show you, Mr. Ingram, the next 22 document if I can find it. 23 MR. STEWART: I believe we are at SOS 6. It's 24 Bates stamped 123228. 25 (WHEREUPON, a certain document was</p>	<p style="text-align: right;">Page 49</p> <p>1 Did I read that right? 2 A. You did. 3 Q. Does this mean that in TEAM no ABBM would 4 ultimately be identified as incomplete or missing 5 TDL/SSN on-line cure available once the cure deadline 6 has passed? 7 A. That's what it looks like. I'm not sure 8 why it says for ballots marked and then talks about 9 ABBMs. 10 Q. So you are saying there's a mismatch there 11 between describing ballots on the one hand and ABBM on 12 the other? 13 A. Agreed. 14 Q. Would these instructions effect ballot 15 recordkeeping? 16 A. Well, they reflect final status. 17 Q. The final status of ABBMs? 18 A. Exactly. 19 Q. Would any -- I'm sorry. 20 A. It's got the same discrepancy in the first 21 paragraph. Not sure. 22 Q. What I'm trying to understand is would you 23 be able to tell using TEAM then whether any ABBM was 24 rejected for incomplete or missing TDL/SSN on-line cure 25 available after the cure deadline has passed using the</p>

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<p style="text-align: right;">Page 58</p> <p>1 voter registration.</p> <p>2 Q. That being because it could either be the</p> <p>3 driver's license or SSN?</p> <p>4 A. That's correct.</p> <p>5 Q. Because this voter was able to log in to</p> <p>6 the ballot tracker, their registration record must</p> <p>7 already contain the driver's license and the SSN,</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. The SOS response directed the voter to</p> <p>11 contact Tarrant County; is that correct?</p> <p>12 A. That's right.</p> <p>13 Q. If you look back at 118034. Tarrant County</p> <p>14 directed the voter to contact the Secretary of State if</p> <p>15 they are unable to use the tracker; is that correct?</p> <p>16 A. That's correct.</p> <p>17 Q. Which one of those two responses is</p> <p>18 correct? In other words, who should the voter be</p> <p>19 contacting in that circumstance?</p> <p>20 MS. HUNKER: Objection, form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. If Tarrant County hasn't inputted the</p> <p>23 information into the tracker, the tracker is not going</p> <p>24 to be of use to the voter. I mean Andre is correct,</p> <p>25 that the way you got it fix this is with Tarrant County</p>	<p style="text-align: right;">Page 60</p> <p>1 counties.</p> <p>2 BY MR. STEWART:</p> <p>3 Q. But the counties don't have any control</p> <p>4 over the access portion, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. To your knowledge, did any other voters</p> <p>7 identify a similar issue such as this where they are</p> <p>8 able to access the tracker but information wasn't</p> <p>9 populating in the tracker?</p> <p>10 A. Not in the general.</p> <p>11 Q. Not in the general. Did that happen in the</p> <p>12 primary?</p> <p>13 A. In the primary, yes.</p> <p>14 Q. Did you identify the route cause of that</p> <p>15 issue in the primary?</p> <p>16 A. It's because the VOTEC system wasn't</p> <p>17 mapping to the TEAM system properly. The general is</p> <p>18 just because the county didn't enter the information.</p> <p>19 Q. Let's look at SOS 8.</p> <p>20 (WHEREUPON, a certain document was</p> <p>21 marked Deposition Exhibit No. 8,</p> <p>22 for identification, as of 3/28/23.)</p> <p>23 BY MR. STEWART:</p> <p>24 Q. We're back in Tarrant County. Would you</p> <p>25 agree this chain appears to reflect a communication</p>
<p style="text-align: right;">Page 59</p> <p>1 because you have logged in successfully in the tracker,</p> <p>2 you don't see anything to fix. So that's Tarrant</p> <p>3 County's problem.</p> <p>4 BY MR. STEWART:</p> <p>5 Q. So in the instance where let's say tracker</p> <p>6 information is not appearing or populating for a known</p> <p>7 mail ballot, the county should be entering that</p> <p>8 information?</p> <p>9 A. Absolutely.</p> <p>10 Q. A voter with an issue should be contacting</p> <p>11 the county?</p> <p>12 A. Yes.</p> <p>13 Q. Are there circumstances where a voter</p> <p>14 should be contacting the Secretary of State for ballot</p> <p>15 tracker issues?</p> <p>16 A. They will call us if they are having</p> <p>17 trouble accessing it.</p> <p>18 Q. So is it correct to say then the Secretary</p> <p>19 of State's Office manages the access portion of the</p> <p>20 ballot tracker and the county is manage the individual</p> <p>21 ballot information portion?</p> <p>22 A. The substance of information --</p> <p>23 MS. HUNKER: Objection, form.</p> <p>24 BY THE WITNESS:</p> <p>25 A. -- within the tracker is contributed by the</p>	<p style="text-align: right;">Page 61</p> <p>1 from an overseas voter to the Secretary of State</p> <p>2 regarding an attempt to vote in Tarrant County?</p> <p>3 A. It's I think more accurate to say it's an</p> <p>4 exchange between Tarrant County and the voter, which</p> <p>5 was then forwarded to our office.</p> <p>6 Q. Fair.</p> <p>7 MR. STEWART: For the record, this is state</p> <p>8 118344. Should have done that before.</p> <p>9 BY MR. STEWART:</p> <p>10 Q. So if -- the earliest email in the chain</p> <p>11 appears to be from Tarrant County, correct?</p> <p>12 A. Agreed.</p> <p>13 Q. That email references a signature sheet.</p> <p>14 What in this context, for the record, is a signature</p> <p>15 sheet?</p> <p>16 A. It's got the same information on it that</p> <p>17 the carrier envelope does, but it's a piece of paper</p> <p>18 that's put inside the envelope with a ballot instead of</p> <p>19 reconstructing an envelope.</p> <p>20 Q. Tarrant County email that begins the chain</p> <p>21 states to the voter, "On your signature sheet you</p> <p>22 posted your SSN only."</p> <p>23 Did I read that right?</p> <p>24 A. That's what it says.</p> <p>25 Q. What are the circumstances where a voter</p>

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<p style="text-align: right;">Page 62</p> <p>1 needs to use an SSN and a driver's license number on a</p> <p>2 signature sheet?</p> <p>3 A. There is not any. I don't know why in the</p> <p>4 world Tarrant County said that. That's dumb.</p> <p>5 Q. So then looking there is an email on the</p> <p>6 first page from Jennifer Ethridge that's on November 8,</p> <p>7 2022 at 9:01 a.m. This voter indicates that they have</p> <p>8 a Social Security number, but not a Texas driver's</p> <p>9 license, right?</p> <p>10 A. That's what they say.</p> <p>11 Q. So with that, if this information they</p> <p>12 provided is correct, they wouldn't be able to use the</p> <p>13 on-line tracker, correct?</p> <p>14 A. That's correct.</p> <p>15 Q. So how is an overseas voter such as this</p> <p>16 one assuming what they have represented here is correct</p> <p>17 able to cure a carrier envelope that's been rejected</p> <p>18 for ID number reasons?</p> <p>19 A. Well, Tarrant County shouldn't have</p> <p>20 rejected it. So this -- if we get this, call Tarrant</p> <p>21 County happen immediately.</p> <p>22 Q. This was an error on Tarrant County's part?</p> <p>23 A. Absolutely.</p> <p>24 Q. Leaving aside the specific issues of this</p> <p>25 document. If an overseas voter's carrier envelope or</p>	<p style="text-align: right;">Page 64</p> <p>1 corrective forms?</p> <p>2 A. Email a new signature sheet?</p> <p>3 Q. Correct.</p> <p>4 A. Yes.</p> <p>5 Q. They have?</p> <p>6 A. Well, I hope so.</p> <p>7 Q. Are you aware either way they actually</p> <p>8 have?</p> <p>9 A. I know we have told them that's a</p> <p>10 possibility for FPCA voters.</p> <p>11 Q. That's something SOS has directed counties</p> <p>12 as possible?</p> <p>13 A. Sure.</p> <p>14 Q. New topic. Did the Secretary of State's</p> <p>15 Office make any voter fraud referrals to the AG in</p> <p>16 connection with the 2022 general election?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know how many?</p> <p>19 A. I don't.</p> <p>20 Q. Do you know how any of those were resolved?</p> <p>21 A. I don't. I presume they are still pending.</p> <p>22 MS. HUNKER: I'm going to quickly object in</p> <p>23 raising investigative privilege and advise my client</p> <p>24 that although he can answer certain information, not to</p> <p>25 disclose any details that would compromise an</p>
<p style="text-align: right;">Page 63</p> <p>1 mail ballot is rejected for lacking an ID number</p> <p>2 entirely, what are their options to cure?</p> <p>3 A. Well --</p> <p>4 MS. HUNKER: Objection, form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. If the carrier envelope doesn't have a</p> <p>7 number on it then they need to supply a number with</p> <p>8 another signature sheet.</p> <p>9 BY MR. STEWART:</p> <p>10 Q. They need to send another signature sheet?</p> <p>11 A. That's right.</p> <p>12 Q. Is there -- given this exchange is</p> <p>13 occurring on November 8, is it likely that could happen</p> <p>14 before the cure period closes?</p> <p>15 A. Sure, they can email them.</p> <p>16 Q. They can email the new signature sheet to</p> <p>17 Tarrant?</p> <p>18 A. That's correct.</p> <p>19 Q. Did Tarrant advise them of that option?</p> <p>20 A. I don't know. If they didn't they should</p> <p>21 have. They shouldn't have rejected it in the first</p> <p>22 place. So I mean we can talk about Tarrant County if</p> <p>23 you want to.</p> <p>24 Q. Do you know whether counties have been</p> <p>25 advising overseas voters of the ability to email</p>	<p style="text-align: right;">Page 65</p> <p>1 investigation or ongoing prosecution as well as would</p> <p>2 reveal any type of investigative methods that could</p> <p>3 again compromise how the Attorney General's Office</p> <p>4 proceeds in these matters going forward.</p> <p>5 BY MR. STEWART:</p> <p>6 Q. Are you aware of any public information</p> <p>7 about how those were resolved?</p> <p>8 A. No.</p> <p>9 Q. Were any of those for mail ballot</p> <p>10 impersonation?</p> <p>11 MS. HUNKER: Objection, form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I don't know. I would have to look at the</p> <p>14 log sheet.</p> <p>15 BY MR. STEWART:</p> <p>16 Q. That log sheet has been produced, correct?</p> <p>17 A. Probably, but we can probably update.</p> <p>18 There's been a lot of complaint activity in the last</p> <p>19 couple months.</p> <p>20 Q. Do you know whether any referrals for mail</p> <p>21 ballot impersonation were based on mismatching or</p> <p>22 missing ID numbers?</p> <p>23 A. I don't believe so.</p> <p>24 Q. Are mismatching or missing ID numbers on</p> <p>25 mail ballots a factor in considering whether to refer</p>

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<p style="text-align: right;">Page 66</p> <p>1 potential fraud to the AG?</p> <p>2 A. No.</p> <p>3 MR. STEWART: Can we take two minutes?</p> <p>4 (WHEREUPON, a recess was had.)</p> <p>5 BY MR. STEWART:</p> <p>6 Q. I have a few more questions and this is to</p> <p>7 go back to the topic of legislative communications. I</p> <p>8 wanted to dig in to what were the topics discussed with</p> <p>9 the legislators with whom you discussed the</p> <p>10 identification number provisions that we identified</p> <p>11 earlier.</p> <p>12 A. So I thought the question was discussions</p> <p>13 with legislators about SB 1.</p> <p>14 Q. So I will limit those to -- for the purpose</p> <p>15 of this question to the identification number and cure</p> <p>16 provisions of SB 1.</p> <p>17 A. Okay.</p> <p>18 Q. So how many of those conversations pertain</p> <p>19 to those topics?</p> <p>20 A. The corrective action procedure we</p> <p>21 discussed with all four of those legislators.</p> <p>22 Q. What was the nature of their feedback?</p> <p>23 MS. HUNKER: Going to object. I represent</p> <p>24 Senator West, Senator Hughes, Representative Reggie</p> <p>25 Smith as well as Representative Bucy for the purposes</p>	<p style="text-align: right;">Page 68</p> <p>1 counsel's advice to assert the privilege and not</p> <p>2 answer?</p> <p>3 MS. HUNKER: Objection. To clarify, I did not</p> <p>4 instruct my witness not to answer. I'm simply raising</p> <p>5 the objection to preserve it for both the legislators</p> <p>6 and the State Defendants who I represent. We are going</p> <p>7 to pursue other forms of relief that I just listed. We</p> <p>8 are also stating that we think this portion of the</p> <p>9 testimony should be now deemed confidential under the</p> <p>10 protective order that was filed in this case.</p> <p>11 BY MR. STEWART:</p> <p>12 Q. The question is on the table.</p> <p>13 A. So we talked about the corrective action</p> <p>14 process with all four of those legislators.</p> <p>15 Q. What did they state about the corrective</p> <p>16 action process?</p> <p>17 A. Is there anything --</p> <p>18 MR. STEWART: I will stipulate to the same</p> <p>19 objection.</p> <p>20 MS. HUNKER: If you can stipulate then I'm going</p> <p>21 to raise the same objection.</p> <p>22 MR. STEWART: I will stipulate to the same</p> <p>23 objection.</p> <p>24 BY THE WITNESS:</p> <p>25 A. You know, the conversation is kind of a</p>
<p style="text-align: right;">Page 67</p> <p>1 of protecting their privilege today. On behalf of the</p> <p>2 four legislators I object to the question on the basis</p> <p>3 of legislative privilege. It's wholly inappropriate</p> <p>4 for this question to be asked at all given the pending</p> <p>5 appeal to which we are all a party. We vehemently</p> <p>6 disagree with the district court's decision to prevent</p> <p>7 this kind of questioning while we await decision from</p> <p>8 the Fifth Circuit. Nonetheless the district court has</p> <p>9 wrongly made clear that attorneys who raise these</p> <p>10 objections face the possibility of contempt. We have a</p> <p>11 duty to our client to protect their privileged</p> <p>12 information. Because of the district court's orders</p> <p>13 and threats, we cannot instruct our witness not to</p> <p>14 answer this question. However, the state Defendants,</p> <p>15 and Senator West, Senator Hughes, Representative Reggie</p> <p>16 Smith, and Representative Bucy reserve all rights to</p> <p>17 challenge this improper questioning including sealing</p> <p>18 this portion of the transcript, preventing its further</p> <p>19 disclosure or use at trial, appealing and seeking any</p> <p>20 emergency relief from the Fifth Circuit, and any other</p> <p>21 relief allowed by law. We further designate this</p> <p>22 testimony as confidential under the protective order in</p> <p>23 this case, I believe it's ECF237.</p> <p>24 BY MR. STEWART:</p> <p>25 Q. Just for the record, are you following your</p>	<p style="text-align: right;">Page 69</p> <p>1 two-way street. It's not them asking us offering or</p> <p>2 vice versa, but it's a general recognition that there</p> <p>3 are things in the law that need to be standardized.</p> <p>4 And so, you know, what are your thoughts on what those</p> <p>5 things should be, right? So we talked about with each</p> <p>6 one of the four standardizing the cure period so that</p> <p>7 everybody has the same cure period, and doing away with</p> <p>8 mailing back the carrier envelope to the voter and</p> <p>9 instead mailing a corrective action form that could</p> <p>10 then be mailed back to the office instead of delivered</p> <p>11 in person since, you know, there is a reason why these</p> <p>12 folks are generally voting by mail. And giving ballot</p> <p>13 boards more time to meet earlier in the process so that</p> <p>14 they can get notice out to the voters.</p> <p>15 BY MR. STEWART:</p> <p>16 Q. Were those -- was that feedback coming from</p> <p>17 the legislators to the SOS or ideas the SOS shared with</p> <p>18 legislators?</p> <p>19 A. It's a little bit of both.</p> <p>20 MS. HUNKER: Objection. I'm going to raise</p> <p>21 legislator privilege and if you can stipulate.</p> <p>22 MR. STEWART: Stipulate you will raise the same</p> <p>23 objection.</p> <p>24 BY THE WITNESS:</p> <p>25 A. It's a little bit of both. The specifics</p>

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<p style="text-align: right;">Page 82</p> <p>1 MS. HUNKER: Objection, form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. The absolute number probably has increased,</p> <p>4 but the percentage has probably gone down.</p> <p>5 BY MS. PERALES:</p> <p>6 Q. Understood. Do you keep track of number of</p> <p>7 referrals you make to law enforcement?</p> <p>8 A. Yes.</p> <p>9 Q. With respect to section 2.11.</p> <p>10 A. Yes.</p> <p>11 Q. This is also related to persons excused</p> <p>12 from jury duty for non-residence in the county. And it</p> <p>13 adds a requirement for the clerk to report not only to</p> <p>14 the voter registrar, but also to the Secretary of</p> <p>15 State. So in some ways it's connected to that previous</p> <p>16 provision that we looked at together. And is your</p> <p>17 testimony the same then that with respect to section</p> <p>18 2.11 you, the Secretary of State, have not received any</p> <p>19 referrals or lists from county jury clerks?</p> <p>20 A. That's correct of people who have been</p> <p>21 excused because of non-residence in the county.</p> <p>22 Q. Thank you. Section 3.04 on page 14. I feel</p> <p>23 bad for massacring some of my descriptions of these</p> <p>24 provisions. But this is basically a requirement that</p> <p>25 polling places be located inside a building, and</p>	<p style="text-align: right;">Page 84</p> <p>1 related to the prohibition on drive-thru voting?</p> <p>2 A. No.</p> <p>3 MS. HUNKER: I'm going to remind my client to</p> <p>4 give me a second to object.</p> <p>5 BY MS. PERALES:</p> <p>6 Q. We had talked earlier about a provision of</p> <p>7 SB 1 that was given an effective date of 2026 that you</p> <p>8 had some concerns might be problematic to carry out.</p> <p>9 And so I wanted to ask you a similar question with</p> <p>10 respect to section 3.04. Since May of 2022, which</p> <p>11 takes us into the March of 2023, have you had</p> <p>12 conversations with legislators or legislative staff</p> <p>13 about making changes to SB 1 other than that provision</p> <p>14 that we were talking about that has an effective date</p> <p>15 of 2026?</p> <p>16 MS. HUNKER: Objection, form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Yes.</p> <p>19 BY MS. PERALES:</p> <p>20 Q. Can you describe those?</p> <p>21 A. Yes. Well, what we have talked about is the</p> <p>22 corrective action procedure needs a little bit of</p> <p>23 tweaking for better implementation, smoother</p> <p>24 implementation, more uniform implementation. The main</p> <p>25 change would be to stop the possibility of sending the</p>
<p style="text-align: right;">Page 83</p> <p>1 essentially a prohibition on what people might call</p> <p>2 drive-thru voting; is that right?</p> <p>3 MS. HUNKER: Objection, form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I agree it's a prohibition on generalized</p> <p>6 drive-thru voting and says that only people who qualify</p> <p>7 for curbside voting can vote from a car.</p> <p>8 BY MS. PERALES:</p> <p>9 Q. I accept your distinction between curbside</p> <p>10 voting and drive-thru --</p> <p>11 A. Right.</p> <p>12 Q. -- voting.</p> <p>13 Since the primary runoff election in 2022,</p> <p>14 have you -- has your office received any expressions of</p> <p>15 concern or opposition to the elimination of drive-thru</p> <p>16 voting?</p> <p>17 A. Not that I'm aware of, no, ma'am, from</p> <p>18 either the public or counties?</p> <p>19 Q. For you -- sorry?</p> <p>20 A. From either the public or counties.</p> <p>21 Q. Okay.</p> <p>22 Did you have any communications from the</p> <p>23 Secretary of State with, for example, the Office of</p> <p>24 Attorney General that's separate and apart from</p> <p>25 attorney-client stuff related to this litigation</p>	<p style="text-align: right;">Page 85</p> <p>1 ballot back to the voter instead of just sending a</p> <p>2 corrective action form and having them mail it back.</p> <p>3 The second thing is standardizing the cure</p> <p>4 period so that it is not the case that some people have</p> <p>5 until 7:00 p.m. on election day and other people have</p> <p>6 six days after election day. Have everybody have the</p> <p>7 same cure period. Then to allow the ballot boards more</p> <p>8 time on the front end to start meeting earlier so that</p> <p>9 they get notice to the voters sooner.</p> <p>10 Q. Do you think that with respect to item</p> <p>11 number one, the cure procedure, do you think that if</p> <p>12 the ballot board is able to retain custody of the</p> <p>13 ballot and send the cure form, do you think that will</p> <p>14 result in more ballots being cured?</p> <p>15 A. Yes, fewer ballots being lost in the mail.</p> <p>16 Q. Why would it result in more ballots being</p> <p>17 cured?</p> <p>18 A. Because the opportunity to mail back the</p> <p>19 correction form instead of having to deliver it in</p> <p>20 person makes it more available.</p> <p>21 Q. Is that because a voter is more likely to</p> <p>22 mail back the cure form than they are to physically</p> <p>23 travel to the election administrator's office to</p> <p>24 personally drop off the ballot?</p> <p>25 MS. HUNKER: Objection, form.</p>

Keith Ingram

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Pages 86 to 89

<p style="text-align: right;">Page 86</p> <p>1 BY THE WITNESS:</p> <p>2 A. I mean we don't know. I mean some voters</p> <p>3 can drive it in as easily as they can mail it, but</p> <p>4 there is a reason why people vote by mail. Generally</p> <p>5 it's because they are not as mobile. So to increase</p> <p>6 the odds of them curing we need to have a mail back</p> <p>7 form.</p> <p>8 BY MS. PERALES:</p> <p>9 Q. Texas vote by mail eligibility involves</p> <p>10 being for the most part either over age 65 or</p> <p>11 physically disabled, is that correct -- or disabled in</p> <p>12 some way?</p> <p>13 A. Agreed.</p> <p>14 Q. So you had listed basically four things,</p> <p>15 the 2026 effective date provision, and then the three</p> <p>16 things you just talked to me about now. Have you had</p> <p>17 any discussions with members of the legislator or</p> <p>18 legislative staff about amending any of the provisions</p> <p>19 in SB 1 that are the subject of this lawsuit?</p> <p>20 A. No.</p> <p>21 Q. So then I won't have to ask it for each</p> <p>22 individual provision.</p> <p>23 Let's look at --</p> <p>24 A. Oh, we did talk to one senator's office</p> <p>25 about possible changes to poll watchers.</p>	<p style="text-align: right;">Page 88</p> <p>1 questioning including sealing this portion of the</p> <p>2 transcript, preventing its further disclosure or use at</p> <p>3 trial, appealing or seeking any emergency relief from</p> <p>4 the Fifth Circuit, and any other relief allowed by law.</p> <p>5 We further designate this testimony as confidential</p> <p>6 under the protected order in this matter.</p> <p>7 BY THE WITNESS:</p> <p>8 A. So what we talked to him about was the</p> <p>9 incident in Dallas County where the poll watcher had a</p> <p>10 certificate that -- of appointment and had a</p> <p>11 certificate that they had been trained, but they didn't</p> <p>12 have to show an ID they were the same person on those</p> <p>13 certificates. So he wondered if maybe an ID</p> <p>14 requirement for poll watchers should be added to the</p> <p>15 code. And we told him that was his choice. But, you</p> <p>16 know, that's an incident that we had with a poll</p> <p>17 watcher that blew up into a confrontation that probably</p> <p>18 didn't need to happen.</p> <p>19 BY MS. PERALES:</p> <p>20 Q. Do you know where the precinct was located</p> <p>21 in Dallas County?</p> <p>22 A. I don't.</p> <p>23 Q. Do you know if the poll worker and the poll</p> <p>24 watcher were of different races?</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. Which senator's office was that?</p> <p>2 A. Royce West.</p> <p>3 Q. Now I will take a deep breath and I will</p> <p>4 put my question on the record. My question is what</p> <p>5 communications if you could describe the substance of</p> <p>6 the communication with Senator West's office regarding</p> <p>7 making changes to SB 1's provisions related to poll</p> <p>8 watchers?</p> <p>9 MS. HUNKER: I object on legislative privilege</p> <p>10 grounds. I represent Senator West for the purposes of</p> <p>11 protecting his privilege today. On behalf of Senator</p> <p>12 West I object to that on the basis of legislative</p> <p>13 privilege. It's wholly inappropriate for this question</p> <p>14 to be asked at all given the pending appeals to which</p> <p>15 we are all a party. We vehemently disagree with the</p> <p>16 district court's decision to permit this kind of</p> <p>17 questioning while we await a decision from the Fifth</p> <p>18 Circuit. Nonetheless the district court has wrongly</p> <p>19 made clear that attorneys who raise these objections</p> <p>20 face the possibility of contempt. We have a duty to</p> <p>21 our clients to protect their privileged information.</p> <p>22 Because of the district court's orders and threat we</p> <p>23 cannot instruct the witness not to answer this</p> <p>24 question. However, the State Defendants and Senator</p> <p>25 West reserve all rights to challenge this improper</p>	<p style="text-align: right;">Page 89</p> <p>1 MS. HUNKER: Objection, form.</p> <p>2 BY MS. PERALES:</p> <p>3 Q. When you say that you told Senator West</p> <p>4 that it was ultimately up to him whether he wanted to</p> <p>5 propose such a change, did you make a recommendation</p> <p>6 either way?</p> <p>7 MS. HUNKER: I'm going to object on legislative</p> <p>8 privilege grounds.</p> <p>9 BY THE WITNESS:</p> <p>10 A. No.</p> <p>11 MS. PERALES: I will give you your fully</p> <p>12 expressed objection.</p> <p>13 MS. HUNKER: Thank you.</p> <p>14 THE WITNESS: Sorry.</p> <p>15 BY THE WITNESS:</p> <p>16 A. No.</p> <p>17 BY MS. PERALES:</p> <p>18 Q. So having recalled that discussion with</p> <p>19 Senator West related to poll watchers, do you recall</p> <p>20 having any discussions with any other members of the</p> <p>21 legislator or legislative staff about changing any of</p> <p>22 the language in SB 1 related to poll watchers? Anybody</p> <p>23 else besides Senator West?</p> <p>24 A. No, that was -- that would be the only one.</p> <p>25 Q. Then so just to see if I can jog your</p>

EXHIBIT

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In The Matter Of

La Union Del Pueblo Entero, et al.,

Plaintiffs

v

State Of Texas, et al.,

Defendants

CASE

5:21-cv-00844

Date

4-26-2022

Witness

Keith Ingram

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5:21-cv-844 (XR)**4/26/2022****Entero v Texas**

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<p>Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 WESTERN DISTRICT OF TEXAS 3 SAN ANTONIO DIVISION 4 LA UNION DEL PUEBLO ENTERO) 5 et al.,) 6 Plaintiffs,) Civil Action No. SA-21-cv- 7 v.) 00844-XR 8 STATE OF TEXAS, et al.,) (Consolidated Cases) 9 Defendants.) 10 ----- 11 ORAL DEPOSITION OF 12 KEITH INGRAM 13 APRIL 26, 2022 14 Volume 1 15 ----- 16 17 ORAL DEPOSITION OF KEITH INGRAM produced 18 as a witness at the instance of Plaintiff, and duly 19 sworn, was taken in the above-styled and numbered cause 20 on the 26th day of April, 2022 from 9:18 a.m. to 2:19 21 p.m. before Nancy Newhouse, a Certified Shorthand 22 Reporter in and for the State of Texas, reported by oral 23 shorthand, located at Price Daniel Sr. State Office 24 Building, 209 West 14th Street, Austin, Texas 78701, 25 pursuant to the Federal Rules of Civil Procedure, and the provisions stated on the record or attached hereto.</p>	<p>Page 3</p> <p>A P P E A R A N C E S Continued</p> <p>3 Ms. Eliza Sweren-Becker, LUPE 4 VOTING RIGHTS & ELECTIONS PROGRAM 5 Brennan Center for Justice at NYU School of Law 6 Telephone: (646) 925-8765 7 email: eliza.sweren-becker@nyu.edu 8 Mr. Graham W. White, LULAC 9 LAW OFFICES OF ELIAS LAW GROUP, LLP 10 10 G Street NE, Suite 600 11 Washington, D.C. 20002 12 Telephone: (202) 968-4490 13 email: gwhite@elias.law 14 Mr. Patrick Berry 15 COUNSEL, DEMOCRACY PROGRAM 16 Brennan Center for Justice 17 120 Broadway, Suite 1750 18 New York, New York, 10021 19 Telephone: (646) 925-8754 20 email: patrick.berry@nyu.edu 21 22 FOR THE DEFENDANT: 23 Mr. Jeffery White, OAG 24 ATTORNEY GENERAL KEN PAXTON OFFICE 25 SPECIAL COUNSEL SPECIAL LITIGATION UNIT P.O. Box 12548 Austin, Texas 78711 Telephone: (512) 936-0677 Fax: (512) 457-4410 email: jeff.white@oag.texas.gov Ms. Kathleen T. Hunker, OAG ATTORNEY GENERAL KEN PAXTON OFFICE SPECIAL COUNSEL SPECIAL LITIGATION UNIT 209 West 14th Street Austin, Texas 78711 Telephone: (512) 936-0677 Fax: (512) 457-4410 email: kathleen.hunker@oag.texas.gov</p>
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<p>Page 9</p> <p>1 PROCEEDINGS</p> <p>2 (On the record at 9:18 a.m.)</p> <p>3 COURT REPORTER: Today's date is April</p> <p>4 the 26th, 2022, the time is 9:18 a.m. We are on the</p> <p>5 record in the United States -- for the United States</p> <p>6 District Court for the Western District of Texas, San</p> <p>7 Antonio Division, La Unión Del Pueblo Entero v the State</p> <p>8 of Texas.</p> <p>9 This is the oral deposition of Mr. Keith</p> <p>10 Ingram, and at this time will counsel for -- will</p> <p>11 counsel please state their name for the record, and whom</p> <p>12 they are representing, please?</p> <p>13 MR. STEWART: Michael Stewart for the</p> <p>14 United States.</p> <p>15 MR. DELLHEIM: Richard Dellheim for the</p> <p>16 -- for the United States.</p> <p>17 MR. KANTERMAN: Jason Kanterman from</p> <p>18 Fried, Frank, Harris, Shriver & Jacobson on behalf of</p> <p>19 the LUPE Plaintiffs.</p> <p>20 MR. JEFFREY WHITE: Jeff White for the</p> <p>21 State Defendants.</p> <p>22 MS. HUNKER: Kathleen Hunker for the</p> <p>23 State Defendants.</p> <p>24 MR. BARNES: Aaron Barnes for the State</p> <p>25 Defendants.</p>	<p>Page 11</p> <p>1 be using this video at trial. We're agreed to that,</p> <p>2 yeah?</p> <p>3 MR. JEFFREY WHITE: Yes, thank you.</p> <p>4 MR. STEWART: Great.</p> <p>5 Q. (BY MR. STEWART) So good morning, Mr. Ingram,</p> <p>6 I'm Mike Stewart from the Department of Justice. I just</p> <p>7 want to thank you for joining us this morning, first of</p> <p>8 all.</p> <p>9 First thing, could you just state your</p> <p>10 name and spell it for the record?</p> <p>11 A. Sure. My name is Brian Keith Ingram,</p> <p>12 B-r-i-a-n, K-e-i-t-h, I-n-g-r-a-m.</p> <p>13 Q. Thank you. And are you here today on behalf</p> <p>14 of the Texas Secretary of State?</p> <p>15 A. I am.</p> <p>16 Q. Before we do anything else, I just want to</p> <p>17 make sure we are set up for a smooth deposition. I want</p> <p>18 to make -- I'm correct understanding you've been deposed</p> <p>19 before, correctly?</p> <p>20 A. I have.</p> <p>21 Q. Great, thank you.</p> <p>22 So then I know you're aware of all this,</p> <p>23 but I think, just to go over it, it works best if you</p> <p>24 wait to start your answer until I completely finish my</p> <p>25 question, and I'll wait to ask a new question until</p>
<p>Page 10</p> <p>1 COURT REPORTER: Okay.</p> <p>2 MR. BITTER: Adam Bitter with Secretary</p> <p>3 of State.</p> <p>4 MR. RHINES: And Zachary Rhines with the</p> <p>5 Secretary of State.</p> <p>6 COURT REPORTER: Thank you. At this time</p> <p>7 I will swear in the witness.</p> <p>8 Mr. Ingram, will you please raise your</p> <p>9 right hand?</p> <p>10 (The witness complies.)</p> <p>11 COURT REPORTER: Do you solemnly swear or</p> <p>12 affirm that the testimony you give today will be the</p> <p>13 truth, the whole truth and nothing but the truth so help</p> <p>14 you God?</p> <p>15 THE WITNESS: I do.</p> <p>16 COURT REPORTER: Thank you.</p> <p>17 KEITH INGRAM,</p> <p>18 having been first duly sworn, testified as follows:</p> <p>19 DIRECT EXAMINATION</p> <p>20 BY MR. STEWART:</p> <p>21 Q. All right. Good morning, Mr. Ingram.</p> <p>22 A. Howdy.</p> <p>23 MR. STEWART: I'll just note for the</p> <p>24 record, beforehand, we discussed with the State that</p> <p>25 while we're providing Zoom for access reasons, we won't</p>	<p>Page 12</p> <p>1 you're finished your answer, can we agree to that?</p> <p>2 A. Sure.</p> <p>3 Q. An attorney may object to a question, after</p> <p>4 which you can still answer unless they specifically</p> <p>5 instruct you not to, okay?</p> <p>6 A. Okay.</p> <p>7 Q. Can you agree that if you ever don't</p> <p>8 understand a question or need clarification you will say</p> <p>9 so?</p> <p>10 A. Sure.</p> <p>11 Q. And can we assume that you understood the</p> <p>12 question if you answer without asking for clarification?</p> <p>13 A. That's fine.</p> <p>14 Q. Great. Is there any reason you're aware of</p> <p>15 that your memory or ability to answer questions would be</p> <p>16 impaired today?</p> <p>17 A. No.</p> <p>18 Q. Anything -- any reason you're aware of that</p> <p>19 your ability to effectively communicate your answers</p> <p>20 would be impaired today?</p> <p>21 A. No, sir.</p> <p>22 Q. Great. And last, I understand you may need</p> <p>23 breaks at some points throughout the day.</p> <p>24 You can just let me know if you need a</p> <p>25 break, the only thing is I will ask you to plead any</p>

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<p>Page 13</p> <p>1 pending question, to answer any pending question before 2 you take a break, all right? 3 A. That's fine. 4 Q. Thank you. So next, just some background 5 question. 6 You are currently employed by the Texas 7 Secretary of State? 8 A. I am. 9 Q. What's your cur -- or how long have you been 10 employed there? 11 A. Ten years and a few months. 12 Q. And what's your current job title? 13 A. I'm the director of the Elections Division. 14 Q. What's your -- what are your responsibilities 15 in that role? 16 A. Well, to manage the division. That helps the 17 secretary fulfill his responsibility as chief election 18 officer for the State of Texas. 19 Q. And how long have you held that role? 20 A. Ten years and four months. 21 Q. So your entire time with the Secretary of 22 State? 23 A. That's right. 24 Q. Thank you. And then you are here on behalf of 25 the Texas Secretary of State, how did you prepare to</p>	<p>Page 15</p> <p>1 A. I did not. 2 Q. Okay. Did you meet with attorneys from the 3 Texas Attorney General's Office in the course of 4 preparing -- 5 A. I did. 6 Q. -- without revealing the content of any 7 conversations? 8 A. Sure. 9 Q. I'm going to show you what we'll mark as 10 Exhibit 1. 11 (Plaintiff's Exhibit No. 1 was marked for 12 identification.) 13 Q. (BY MR. STEWART) Are you familiar with this 14 document? 15 A. Yes. 16 Q. And do you recognize this as the United 17 States' notice for this 30(b)(6) deposition today? 18 A. Yes. 19 Q. Turning quickly to Page A-2 document -- of 20 this document, are these topics you prepared to testify 21 on today? 22 A. It is. 23 Q. Is there any topic on this list, 1 through I 24 believe it's 7, and all subparts, that you are not 25 prepared to testify on today?</p>
<p>Page 14</p> <p>1 testify in this deposition? 2 MR. JEFFREY WHITE: I'll just instruct 3 the witness if -- not to get into any communications you 4 may have had with counsel, but otherwise, you can answer 5 that question. 6 THE WITNESS: Sure. 7 A. So I reviewed the 30(b)(6) Depo Notice for 8 both the Department of Justice and the private 9 Plaintiffs, and I had a small visit with my voter 10 registration manager. 11 Q. (BY MR. STEWART) And who is that? 12 A. Kristi Hart. 13 I also reviewed some documents. I 14 reviewed the documents that are related to the fields 15 that are in the TEAM database, and then there was a 16 document from DPS that showed all of the interactions 17 they had with us, the data they provided to us. 18 Q. Thank you. Has that document been produced, 19 do you know? 20 A. I think so, yes. 21 Q. Approximately how much time did you spend 22 preparing? 23 A. Couple, three hours. 24 Q. Did you speak with Secretary Scott in the 25 course of preparing?</p>	<p>Page 16</p> <p>1 A. Well, there's eight and I -- 2 Q. Eight. 3 A. -- I'm ready on all eight. 4 Q. Great, thank you. All right. 5 All right. I'm going to turn, then, to 6 the first of these topics. 7 Are you familiar with the Texas Election 8 Administration Management database? 9 A. I am. 10 Q. If I refer to that as the TEAM database, can 11 we -- we're agreed that it refers to that database? 12 A. Sure, but TEAM is more than a database. 13 Q. What else is TEAM? 14 A. It's an election management system. 15 Q. If I use the shorthand TEAM, will you 16 understand I'm referring to the database portion of it 17 when the question is related to the database? 18 A. Well, yeah, we'll have to see in context 19 whether I can under -- agree to that or not, but ... 20 Q. Okay. Yeah, that's fine. If there's any 21 portion where it's unclear, you can just ask for 22 clarification. 23 A. Sure. 24 Q. So I think you started on this, but generally 25 what is the TEAM database?</p>

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<p>Page 17</p> <p>1 A. So TEAM is, first of all, it is the</p> <p>2 Java-compliant electronic database of voters in Texas,</p> <p>3 so that's -- that's its main function, but it also has</p> <p>4 within it candidate management portions, candidate</p> <p>5 filing, and also has an election night reporting</p> <p>6 function, as well as the ability to canvas the election</p> <p>7 returns within the TEAM system and advance the</p> <p>8 candidates through from filing, to primary, to primary</p> <p>9 runoff, to general election.</p> <p>10 Q. And are you familiar with the fields that were</p> <p>11 included in the TEAM database production in this case?</p> <p>12 A. Yes.</p> <p>13 Q. How did you become familiar with those fields?</p> <p>14 A. I reviewed the documentation provided by our</p> <p>15 Kristi Hart.</p> <p>16 Q. Are there any fields used to administer the</p> <p>17 mail-in ballot provisions of SB 1 that weren't included</p> <p>18 in the TEAM database production in this case?</p> <p>19 MR. JEFFREY WHITE: Objection, form.</p> <p>20 A. I'm not sure I understand the question.</p> <p>21 Q. (BY MR. STEWART) Are there any fields that</p> <p>22 track the acceptance or rejection of either absentee</p> <p>23 ballot by mail applications or carrier envelopes that</p> <p>24 were not included in the TEAM database production in</p> <p>25 this case?</p>	<p>Page 19</p> <p>1 Q. (BY MR. STEWART) Cleaning that up a second,</p> <p>2 so what's the difference between counties that use TEAM</p> <p>3 directly and counties that use an offline system?</p> <p>4 MR. JEFFREY WHITE: Objection, form.</p> <p>5 A. So the online counties are the counties that</p> <p>6 use TEAM for their election management, they use it for</p> <p>7 the voter registration, and, whenever they get a voter</p> <p>8 registration application, they will enter it directly</p> <p>9 into TEAM and it's in TEAM in realtime.</p> <p>10 Offline counties, they will have their</p> <p>11 own voter registration system, and, when they enter a</p> <p>12 voter registration application, then that will batch</p> <p>13 process with our system overnight to capture that new</p> <p>14 registration.</p> <p>15 Q. (BY MR. STEWART) And when you say batch</p> <p>16 process, what does that mean?</p> <p>17 A. It means that we get information from the</p> <p>18 counties, and we give information to the counties about</p> <p>19 anything that we've got with regard to their voters, so</p> <p>20 that processing occurs overnight. It's an automatic</p> <p>21 process.</p> <p>22 Q. So how many offline counties are there?</p> <p>23 A. I'm not sure at the exact time. I believe</p> <p>24 there's 38, currently.</p> <p>25 Q. And do they tend to be larger or smaller, or</p>
<p>Page 18</p> <p>1 A. No.</p> <p>2 MR. JEFFREY WHITE: Objection, form.</p> <p>3 A. You -- you should have all of those.</p> <p>4 Q. (BY MR. STEWART) Okay. Do a field -- does a</p> <p>5 field or fields exist in the TEAM database to track the</p> <p>6 acceptance or rejection of applications for absentee</p> <p>7 ballots by mail?</p> <p>8 A. There are -- I mean, there's functions in the</p> <p>9 TEAM database to track that activity.</p> <p>10 Q. And what are those functions?</p> <p>11 A. The -- you just enter application received,</p> <p>12 and the TEAM system will record application received.</p> <p>13 Q. Does it record whether an application is</p> <p>14 accepted or rejected?</p> <p>15 A. It does.</p> <p>16 Q. Does it record the reason for that acceptance</p> <p>17 or rejection?</p> <p>18 A. It does.</p> <p>19 Q. Who enters that information?</p> <p>20 A. County election officials.</p> <p>21 Q. And that is uploaded to the central TEAM</p> <p>22 database from the offline counties?</p> <p>23 MR. JEFFREY WHITE: Objection, form.</p> <p>24 A. Well, some of them, and some of them use TEAM</p> <p>25 directly for the management of mail ballots.</p>	<p>Page 20</p> <p>1 have any specific characteristics?</p> <p>2 MR. JEFFREY WHITE: Objection, form.</p> <p>3 A. Generally, it's the larger counties in Texas</p> <p>4 by population.</p> <p>5 Q. (BY MR. STEWART) Okay. And then can the TEAM</p> <p>6 database be used to track acceptance or rejection of</p> <p>7 ballot carrier envelopes by mail?</p> <p>8 A. Yes.</p> <p>9 Q. I'm going to show you what's tagged</p> <p>10 "State087299", this will be Exhibit 2.</p> <p>11 (Plaintiff's Exhibit No. 2 was marked for</p> <p>12 identification.)</p> <p>13 MR. STEWART: Sorry, Jeff.</p> <p>14 Q. (BY MR. STEWART) Are you familiar with this</p> <p>15 email?</p> <p>16 A. I am.</p> <p>17 Q. And what does this email show?</p> <p>18 A. It shows the total number of ballots cast in</p> <p>19 the Republican and Democratic primary on March 1st, as</p> <p>20 well as the total number of mail ballots and mail</p> <p>21 ballots rejected in each of those primaries.</p> <p>22 Q. Is this based on information in TEAM?</p> <p>23 A. It is.</p> <p>24 Q. Is this information accurate, to the best of</p> <p>25 your knowledge?</p>

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<p>Page 21</p> <p>1 A. It's as accurate as the counties that gave it 2 to us, so this is from the counties. We worked very 3 diligently with them to make sure it was accurate. 4 Q. Do you have any reason to doubt the counties' 5 accuracy? 6 A. I do not. 7 Q. All right. So turning then a little -- to a 8 little bit about the ways the TEAM database is 9 maintained -- and to take a step back, what are the ways 10 a qualified individual can register to vote in Texas? 11 MR. JEFFREY WHITE: Objection, form. 12 A. So a person can register to vote by going to 13 the Department of Public Safety and getting a driver's 14 license, and asking that that information be used to 15 either register to vote or update their voter 16 registration. If a person has an online transaction 17 with the Department of Public Safety, they can do the 18 same thing and update their registration or register to 19 vote that way. 20 If a person is already registered to vote 21 in one county, they can update their voter registration 22 address into a new county using another system at 23 Texas.gov that's hosted by our Department of Information 24 Resources, and that allows them to register to vote in a 25 new county.</p>	<p>Page 23</p> <p>1 updating registration information, how can information 2 be changed after a record is initially entered? 3 A. Well, you can change the information the same 4 way that you can enter new information, which is update 5 your information at DPS and have that update your VR 6 record, either in person or online. You can also do it 7 at Texas.gov, you can update your name and address, 8 including, as I said, an address into a new county, or 9 you can submit a new paper application. 10 Q. Does each record then pertain to one 11 individual voter? 12 MR. JEFFREY WHITE: Objection, form. 13 A. Well, I don't know what you mean by record. 14 Q. (BY MR. STEWART) So how -- let's take a step 15 back then. 16 How is the TEAM database organized, with 17 respect to voter registration records? 18 MR. JEFFREY WHITE: Objection, form. 19 A. I don't know how to answer that question. 20 Q. (BY MR. STEWART) Does the TEAM database 21 consist of records of individual voters? 22 A. Again, it -- there are individual voter 23 registrations that are hosted in the TEAM database. 24 Q. And how is the information for an individual 25 voter registration organized?</p>
<p>Page 22</p> <p>1 And then a person can also use a paper 2 application, a postcard paper application and mail it in 3 to the voter registrar of the county that they would 4 like to register in. 5 Q. (BY MR. STEWART) Am I correct understanding 6 that some -- sorry, is that information then entered by 7 the county into a database? 8 A. The voter registrations that come from DPS or 9 from Texas.gov will show up on the county's dashboard, 10 or, if it's an offline county, it shows up on something 11 called the County Data Warehouse as a task to be worked. 12 But whenever somebody clicks on that task, either on 13 their dashboard or from CDW, then they will see, 14 pre-populated, the information that the voter provided 15 with regard to name, and address and social security 16 number, driver's license, all the stuff. 17 For an online application that's just 18 being entered by paper, you pull up a new voter and 19 enter the data manually. 20 Q. In your previous answer you referred to CDW, 21 what does that mean? 22 A. County Data Warehouse, it's for offline 23 counties. It's where they get their task list from 24 TEAM. 25 Q. And so you discussed a little bit about</p>	<p>Page 24</p> <p>1 A. I don't know what you mean. 2 Q. Okay. Let me show you a document. This was 3 produced with "State057754", stamped. That one's two 4 pages, sorry. 5 (Plaintiff's Exhibit No. 3 was marked for 6 identification.) 7 Q. (BY MR. STEWART) Now, this document contains 8 a list of column headings and descriptions, are these 9 column headings that appear related to an individual 10 voter registration record in TEAM? 11 A. Yes. 12 Q. And so what would you call the collection of 13 all this information pertaining to one individual voter? 14 A. I would call it the voter registration file 15 for that voter. 16 Q. Voter registration. 17 Are there any circumstances where 18 multiple voter registration files are created for one 19 voter? 20 A. No. 21 Q. Can there be clerical errors that would lead 22 to that? 23 A. No. 24 Q. So there are no circumstances in the entire 25 database where there is more than one voter registration</p>

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<p>Page 25</p> <p>1 file for one voter?</p> <p>2 A. All of the information regarding a voter</p> <p>3 should be under one VUID.</p> <p>4 Q. Are there any processes or procedures by which</p> <p>5 the Secretary of State checks for multiple entries for</p> <p>6 an individual voter?</p> <p>7 A. Sure.</p> <p>8 Q. What are those?</p> <p>9 A. We have a duplicate matching process that we</p> <p>10 do, we try to do it every summer, and then we also get</p> <p>11 duplicate information from the Electronic Registration</p> <p>12 Information Center.</p> <p>13 Q. Are any particular fields used to make the</p> <p>14 comparison, to determine whether something is a</p> <p>15 duplicate?</p> <p>16 A. Well, it's the same kind of matching we do on</p> <p>17 all of ours, which includes name, date of birth, social</p> <p>18 and last DL.</p> <p>19 Q. And when you say all of ours, what are you</p> <p>20 referring to?</p> <p>21 A. Any matching process we do is going to use</p> <p>22 data points in the file to do the matching.</p> <p>23 Q. And by DL, are you referring to a driver's</p> <p>24 license?</p> <p>25 A. I am.</p>	<p>Page 27</p> <p>1 so you need to dig further.</p> <p>2 Q. So if you have those three pieces of</p> <p>3 information and address, would you consider it a match?</p> <p>4 A. Potentially. It depends on the purposes for</p> <p>5 which we were doing it. In order to harvest the</p> <p>6 full-nines, or the social security number, or the</p> <p>7 driver's license number out of the DPS database,</p> <p>8 generally, we would use that as a match to get that</p> <p>9 number for --</p> <p>10 Q. And how is that matching criteria determined?</p> <p>11 A. I'm not sure what you mean.</p> <p>12 Q. Sure. Who is responsible for determining what</p> <p>13 criteria are required for a match?</p> <p>14 A. Our office.</p> <p>15 Q. And whom within your office?</p> <p>16 A. Well, I mean, we've got a rule -- we've got a</p> <p>17 TAC rule that our office has promulgated with regard to</p> <p>18 matching criteria.</p> <p>19 Q. Sorry, what is a TAC rule?</p> <p>20 A. A Texas Administrative Code rule.</p> <p>21 Q. Do you know where we could, the number of that</p> <p>22 rule, where we could find it?</p> <p>23 A. I believe it's 81.6, I could be wrong.</p> <p>24 Q. Okay. And is that rule used in all</p> <p>25 circumstances for matching?</p>
<p>Page 26</p> <p>1 Q. Thank you. And so other than those fields, if</p> <p>2 fields contain different information, a match is still</p> <p>3 registered, correct?</p> <p>4 MR. JEFFREY WHITE: Objection, form.</p> <p>5 Q. (BY MR. STEWART) Let me withdraw that and</p> <p>6 take a step back.</p> <p>7 The fields you described as requiring to</p> <p>8 match were, can you repeat those again, sir?</p> <p>9 A. Well, I mean, we match on a variety of fields,</p> <p>10 but -- but it's some combination of first name, last</p> <p>11 name, former last name, date of birth, social security</p> <p>12 number and driver's license or personal ID number.</p> <p>13 Q. Do all of those fields need to match to create</p> <p>14 a match?</p> <p>15 A. If necessary we go to address, residence</p> <p>16 address.</p> <p>17 Q. So what do you mean by if necessary?</p> <p>18 A. Well, if -- if we feel like we've got a match</p> <p>19 but we don't know for sure, then we go to the residence</p> <p>20 address and see if there's a similarity there.</p> <p>21 Q. Sorry, what would indicate that you may have a</p> <p>22 match?</p> <p>23 A. Well, I mean, if you've got first name, last</p> <p>24 name, date of birth in common, that's a pretty weak</p> <p>25 match, but it's an indicator that it may be a match, and</p>	<p>Page 28</p> <p>1 A. No. Like I said, the -- the ad hoc process</p> <p>2 that we do whenever we get a jury file from the DPS,</p> <p>3 then we try to maximize the number of personal ID</p> <p>4 numbers in that. We -- we -- that's the only time we</p> <p>5 really use the residential address criteria.</p> <p>6 Q. And so when you use the ad hoc process, does</p> <p>7 that depart from the TAC rule?</p> <p>8 A. No. It's just in addition to. It's --</p> <p>9 there's nothing in -- in violation of the TAC rule, it's</p> <p>10 just additional matching that we do.</p> <p>11 Q. And how do you determine the criteria for that</p> <p>12 additional matching?</p> <p>13 A. To get the best result for the voters.</p> <p>14 Q. So you work backwards to determine what will</p> <p>15 import the most information?</p> <p>16 A. No.</p> <p>17 MR. JEFFREY WHITE: Objection, form.</p> <p>18 Q. (BY MR. STEWART) So then how -- sorry.</p> <p>19 Who then is tasked with determining the</p> <p>20 criteria when you're departing from the -- or excuse me,</p> <p>21 I'll withdraw that.</p> <p>22 Who is tasked with determining the</p> <p>23 matching criteria in the ad hoc process?</p> <p>24 A. Myself, Kristi Hart the voter registration</p> <p>25 manager, and then the engineers at the vendor that host</p>

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<p>Page 33</p> <p>1 MR. JEFFREY WHITE: Objection, form.</p> <p>2 A. I don't know, you'd have to ask ERIC.</p> <p>3 Q. (BY MR. STEWART) Are you aware of any errors</p> <p>4 that still exist in the TEAM database?</p> <p>5 MR. JEFFREY WHITE: Objection, form.</p> <p>6 A. I don't know what you mean by errors.</p> <p>7 Q. (BY MR. STEWART) Are you aware of any</p> <p>8 systemic errors that affect the accuracy of the data in</p> <p>9 the TEAM database?</p> <p>10 A. Systemic errors?</p> <p>11 Q. Yes.</p> <p>12 A. What -- what would a systemic error be?</p> <p>13 Q. Well, are you aware of any issues with the</p> <p>14 accuracy of the data in the TEAM database?</p> <p>15 A. I don't know how to answer that question.</p> <p>16 Q. Do you have an understanding of the accuracy</p> <p>17 rate of the information in the TEAM database?</p> <p>18 A. We rely on TEAM to give us accurate</p> <p>19 information.</p> <p>20 Q. But have you tested the rate at which the</p> <p>21 information in TEAM is accurate?</p> <p>22 A. I don't even know how you would do that. If</p> <p>23 you've got a suggestion, then I'd be glad to follow it.</p> <p>24 Q. If an error is discovered in the TEAM</p> <p>25 database, how is it corrected?</p>	<p>Page 35</p> <p>1 --</p> <p>2 Q. Yes.</p> <p>3 A. -- for the March primary? Yes.</p> <p>4 Q. Yeah, okay.</p> <p>5 What fields is that information reflected</p> <p>6 in?</p> <p>7 A. The application fields.</p> <p>8 Q. Which are what?</p> <p>9 A. The ones pertaining to the mail ballot</p> <p>10 applications.</p> <p>11 Q. Yes. What I'm asking is which fields pertain</p> <p>12 to mail ballot applications?</p> <p>13 A. The ones that do.</p> <p>14 Q. I'm sorry, are you prepared to answer these</p> <p>15 questions?</p> <p>16 A. I am.</p> <p>17 Q. Okay. Can you please then list for me the</p> <p>18 fields that pertain to mail ballot applications?</p> <p>19 A. I don't know what that means, list the fields.</p> <p>20 Q. What are the names of the fields, in this</p> <p>21 column headings field on what we've marked as Exhibit 2</p> <p>22 (sic), which ones pertain --</p> <p>23 A. Well --</p> <p>24 Q. -- to mail ballot applications?</p> <p>25 A. -- this is just what's in the voter record at</p>
<p>Page 34</p> <p>1 A. I don't know what you mean by an error in the</p> <p>2 TEAM database.</p> <p>3 Q. If information pertaining to an individual</p> <p>4 voter is discovered to be inaccurate, how is it</p> <p>5 corrected?</p> <p>6 A. Well, the voter registrar in that county would</p> <p>7 have to be the one determining that it was inaccurate,</p> <p>8 and they would have to correct it.</p> <p>9 Q. So it's done on a county-by-county basis?</p> <p>10 A. The counties are the voter registrars in</p> <p>11 Texas.</p> <p>12 Q. Does the Secretary of State's Office ever send</p> <p>13 information correcting a voter registration record to</p> <p>14 the counties?</p> <p>15 MR. JEFFREY WHITE: Objection, form.</p> <p>16 A. We send updates all the time. Do you want to</p> <p>17 call that a correct, I don't know. But we send updates</p> <p>18 to counties all the time that we receive electronically</p> <p>19 from the DPS, as well as from the Texas.gov.</p> <p>20 Q. (BY MR. STEWART) Understood. Is the</p> <p>21 Secretary of State in possession of data on applications</p> <p>22 for ballot by mail from the March 2020 primary?</p> <p>23 A. Do we have information in TEAM --</p> <p>24 Q. Yes.</p> <p>25 A. -- regarding applications for ballot by mail</p>	<p>Page 36</p> <p>1 the end of the process, this is not all of the -- all of</p> <p>2 the things that can happen with regard to an application</p> <p>3 for a mail ballot.</p> <p>4 Q. Okay. Let me change topics here a little bit.</p> <p>5 This was produced marked "State057755",</p> <p>6 and this is a particular tab that was labeled "Voter</p> <p>7 History File". I just have a clarifying question here.</p> <p>8 (Plaintiff's Exhibit No. 4 was marked for</p> <p>9 identification.)</p> <p>10 Q. (BY MR. STEWART) So in this Voter History</p> <p>11 Import section, which is what it says at the top, I want</p> <p>12 to direct your attention to the Ballot Reject Reason</p> <p>13 header, does that represent a field in the TEAM</p> <p>14 database?</p> <p>15 A. No.</p> <p>16 Q. No?</p> <p>17 What does that represent?</p> <p>18 A. That represents ballot reject reasons in the</p> <p>19 TEAM database.</p> <p>20 Q. Is that information maintained in the TEAM</p> <p>21 database?</p> <p>22 A. Well, yes and no. I mean, the -- the TEAM</p> <p>23 database is a living thing, right?</p> <p>24 Q. Uh-huh.</p> <p>25 A. And so we have for the first time, in the</p>

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<p>1 discuss this, we need to --</p> <p>2 MR. STEWART: Yeah. Why don't -- you</p> <p>3 know what, that's a good point, Jeff. I meant to flag</p> <p>4 that, and we will find a better time to do that.</p> <p>5 Has this already been marked? Okay.</p> <p>6 Just set it aside for now. We'll come back to this.</p> <p>7 Q. (BY MR. STEWART) So talking generally then</p> <p>8 about the jury wheel transfer, what is the purpose of</p> <p>9 that transfer?</p> <p>10 A. The -- the purpose of the jury wheel file --</p> <p>11 Q. Uh-huh.</p> <p>12 A. -- from DPS is to use it to create jury panels</p> <p>13 for counties.</p> <p>14 Q. And why is that information transferred to the</p> <p>15 Secretary of State?</p> <p>16 A. Because it's our job to create the jury panels</p> <p>17 for counties.</p> <p>18 Q. I see. Is that information ever used to</p> <p>19 update voting records?</p> <p>20 A. Yes.</p> <p>21 Q. Which fields from that information -- or</p> <p>22 excuse me, let me withdraw that.</p> <p>23 What information from the jury wheel</p> <p>24 update is used to update voting records?</p> <p>25 A. Well, I mean, all of it's used to update voter</p>	<p>1 Q. Okay. The ad hoc process is used to match the</p> <p>2 jury wheel file to the TEAM database?</p> <p>3 A. No.</p> <p>4 Q. You'll have to und -- you have to explain to</p> <p>5 me the distinction you're drawing --</p> <p>6 A. Well --</p> <p>7 Q. -- that it is used but it's not.</p> <p>8 A. Well, we use it to get the numbers. Right?</p> <p>9 We use the jury wheel file in order to get full-nine of</p> <p>10 social for as many voters as we can. This last time we</p> <p>11 used the jury file, also, to get as many driver's</p> <p>12 license numbers as we could.</p> <p>13 Q. And when you say this last time, what are you</p> <p>14 referring to?</p> <p>15 A. The most recent time that we've done the HB</p> <p>16 2512 process.</p> <p>17 Q. Was that on or around December 20, 2021?</p> <p>18 A. It was.</p> <p>19 Q. And you said that was used to import full-nine</p> <p>20 social security numbers?</p> <p>21 A. That's right.</p> <p>22 Q. Was it required to have a matching driver's</p> <p>23 license in order to import that full-nine social</p> <p>24 security number?</p> <p>25 A. Mostly, yes.</p>
<p>1 records.</p> <p>2 Q. So any information on the jury wheel update</p> <p>3 can be used to update a voting record?</p> <p>4 A. That's right.</p> <p>5 Q. What information is needed to match something</p> <p>6 in the jury wheel file to a record in TEAM?</p> <p>7 A. Well, it's what I said before. We're going to</p> <p>8 use first name, last name, date of birth, DL number or</p> <p>9 personal ID number and social.</p> <p>10 Q. And is that subject to the process set forth</p> <p>11 in the regulations?</p> <p>12 A. It's subject to that process, plus.</p> <p>13 Q. What do you mean by plus?</p> <p>14 A. The plus that we talked about before. We were</p> <p>15 -- we've talked about this process already, it's the ad</p> <p>16 hoc process --</p> <p>17 Q. The --</p> <p>18 A. -- HB 2512.</p> <p>19 Q. The ad hoc process can be used to match the</p> <p>20 jury wheel file to the TEAM database?</p> <p>21 A. No.</p> <p>22 Q. Sorry, I must be confused then.</p> <p>23 You just said it's subject to the ad hoc</p> <p>24 process, but now it can't be used?</p> <p>25 A. No, it is used.</p>	<p>1 Q. What do you --</p> <p>2 A. The way it works is, first off, we look for</p> <p>3 social security numbers that match.</p> <p>4 Q. Uh-huh.</p> <p>5 A. Social security numbers plus name and date of</p> <p>6 birth, which is our strongest match, and then, once</p> <p>7 we've got that out of the list, then we look for DL</p> <p>8 matches, so the list of remaining pool of persons gets</p> <p>9 smaller every time.</p> <p>10 Q. When you say the list of remaining pool of</p> <p>11 persons, what are you referring to?</p> <p>12 A. The -- the list of unattached records.</p> <p>13 Q. Unattached to what?</p> <p>14 A. Each other.</p> <p>15 Q. Between the jury wheel file and the TEAM</p> <p>16 database?</p> <p>17 A. Of vo -- between a voter and a driver.</p> <p>18 Q. I see. And so --</p> <p>19 A. We're not comparing databases. I mean, we are</p> <p>20 matching databases together, but we're comparing a voter</p> <p>21 to a driver. And if we get a voter and a driver that</p> <p>22 are the same person, and we can fill out the number for</p> <p>23 that person, that's what we're doing.</p> <p>24 Q. And when you're saying you're matching a voter</p> <p>25 and a driver, you're doing that by comparing the</p>

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<p>Page 49</p> <p>1 under our TAC rule is first name, last name, former last 2 name, date of birth and full-nine. 3 Q. Understood. And so just to clarify, is the 25 4 -- 2512 process the only process in which you use 5 driver's license as a matching criteria? 6 A. To get socials, yes, I believe so. I -- I can 7 check with my voter registration manager, but I don't 8 think we use it for anything else. I know that ERIC 9 uses it. I mean, that's the reason why we give the 10 driver's license file to ERIC, but I don't know how ERIC 11 uses it. They've got their own -- 12 Q. And so -- 13 A. -- black box. 14 Q. -- but there you mean the driver's license 15 number? 16 A. What? 17 Q. You said you know ERIC uses it, and by it you 18 mean the driver's license number? 19 A. That's right. 20 Q. All right. So with respect to that export 21 from DPS to TEAM that occurred on or around December 20, 22 2021, how was that information then communicated to what 23 we described previously as offline counties? 24 A. It was -- it was communicated through the CDW. 25 Q. And what, I'm sorry, what is the CDW?</p>	<p>Page 51</p> <p>1 you familiar with this section? 2 A. Yes. 3 Q. Are these the -- are these the provisions 4 amended by SB 1 with respect to identification number, 5 social security number or a statement that an applicant 6 has neither information on an application for a ballot 7 by mail? 8 MR. JEFFREY WHITE: Objection, form. 9 A. This section was amended by SB 1, yes. 10 Q. (BY MR. STEWART) Has the Secretary of State 11 published any interpretive guidance for Section 84.002 12 since S -- since the SB 1 amendments? 13 A. Any interpretive guidance? 14 Q. Yes. Any information that can be used to 15 interpret this statutory provision? 16 A. Yes. 17 Q. What information has the Secretary of State 18 published? 19 A. Well, we did an advisory, I did a legislative 20 summary, we changed the form. 21 Q. And by the form, what -- which form do you 22 mean? 23 A. The application for ballot by mail. 24 Q. Okay. All right. Looking at Section 84.002 25 1-a(B) it says, "if the applicant has not been issued a</p>
<p>Page 50</p> <p>1 A. The County Data Warehouse. 2 Q. Were there any issues with that communication? 3 A. I don't believe so, no. We also communicated 4 it, I did a webinar and we did the mass email, I 5 believe, maybe an advisory. 6 MR. STEWART: How long have we been on 7 the record? 8 COURT REPORTER: Forty-one minutes. 9 MR. STEWART: Okay. Thank you. 10 Q. (BY MR. STEWART) All right. Other than the 11 ones you've described here right now, are there any 12 other exchanges we haven't discussed that bring 13 information into voter registration records from DPS? 14 A. I can't think of any. 15 Q. Let me -- all right. 16 MR. STEWART: I believe we're on, it's 5? 17 COURT REPORTER: 5, yes. 18 Q. (BY MR. STEWART) All right. I'm going to 19 show you what's been marked as Exhibit 5 which is -- 20 I'll represent to you this is Chapter 84 of the Texas 21 Election Code. 22 (Plaintiff's Exhibit No. 5 was marked for 23 identification.) 24 Q. (BY MR. STEWART) On Page 2 I want to turn 25 your attention to what begins Section 8 -- 84.002, are</p>	<p>Page 52</p> <p>1 number described by Paragraph (A), the last four digits 2 of the applicant's social security number", did I read 3 that correctly? 4 A. That's right. 5 Q. How do you interpret the language "if the 6 applicant has not been issued a number described by 7 Paragraph (A)"? 8 A. Well, the way it looks is that they have 9 created a hierarchy with driver's license first, last 10 four second, but that's not the way in practice that 11 this works. Either number will work, and we suggest to 12 the voters that they use both numbers so that they 13 increase their odds of success. 14 Q. And when you say that's not the way in 15 practice that it works, is that an interpretation that 16 the Secretary of State's Office has published? 17 A. That's right. 18 Q. And -- 19 A. That's the way we've taught it in several 20 Webexes, that's the way it is in the advisory, that's 21 the way it is in mass emails that we've sent out. 22 Q. Uh-huh. 23 A. That's the way it is in questions we've 24 answered, that's the way it is in town halls when we've 25 talked about it.</p>

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1 Q. And how did you arrive at that interpretation?

2 **A. It's the most voter-friendly.**

3 Q. Was there any point where you interpreted it

4 to establish a hierarchy?

5 **A. No.**

6 Q. So from the initial implementation of SB 1,

7 you interpreted it to establish a hierarchy?

8 **A. From before SB 1 was signed into law.**

9 Q. And so how do you interpret the phrase "not

10 been issued"?

11 **A. Same way you do.**

12 Q. Which is -- how do I do it?

13 **A. By what it means. It means if you don't have**

14 **a DL, use your social. That clearly cannot be the way**

15 **the way this law works, and it's not.**

16 Q. And when you say it's clearly not how this law

17 works, what is that based on?

18 **A. Our interpretation.**

19 Q. I'm sorry?

20 **A. Because the way that it's supposed to work, if**

21 **you look at -- if you look at Chapter 86, what you're**

22 **supposed to do when you look at these numbers is see if**

23 **there's -- if it matches a number in the voter's record.**

24 **There's no hierarchy for the Signature Verification**

25 **Committee or the Ballot Board, there's no hierarchy.**

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1 **They don't look for a driver's license first. The --**

2 **the only places that there's -- there is a hierarchy is**

3 **in this. But the people who actually review the number,**

4 **to make sure it matches a voter, are not told to use a**

5 **hierarchy.**

6 Q. Sorry, which provision of the law are you

7 describing there?

8 **A. The ones about the Signature Verification**

9 **Committee and the Early Voting Ballot Board, and how**

10 **they are supposed to work with this information.**

11 Q. So you're saying this provision of the law

12 does not apply to the Signature Verification Committee

13 or Early Voting Ballot Board?

14 **A. I'm saying --**

15 MR. JEFFREY WHITE: Object --

16 **A. -- they're told to look to see if the number**

17 **matches a number in the voter's record with --**

18 Q. (BY MR. STEWART) Told by whom?

19 **A. The legislature.**

20 Q. And you're saying the Signature Verification

21 Committee or Early Voting Ballot Board does not need to

22 consider Section 84.002 when doing so?

23 **A. They need to make sure that there's a number**

24 **on the application that matches a number in the voter's**

25 **record.**

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1 Q. Thank you, but my question is, do they need to

2 consider Section 84.002 when doing so?

3 **A. They need to make sure that a number supplied**

4 **by the voter matches a number in the voter's record.**

5 MR. STEWART: I'll object as

6 nonresponsive.

7 **A. That --**

8 Q. (BY MR. STEWART) Do they --

9 **A. I answered your question, you just don't like**

10 **the answer.**

11 MR. STEWART: I'll object as

12 nonresponsive to that as well.

13 Q. (BY MR. STEWART) Do they need to consider

14 Section 84.002, yes or no, when doing so?

15 MR. JEFFREY WHITE: Objection, form.

16 **A. They need to follow the instructions of the**

17 **legislature, and make sure that the number provided by**

18 **the voter matches a number in the voter's record.**

19 MR. STEWART: All right. I'll object as

20 nonresponsive.

21 Q. (BY MR. STEWART) Do you interpret Section

22 86.002 as similar language in the same way, with respect

23 to carrier envelopes?

24 MR. JEFFREY WHITE: Objection, form.

25 **A. Exactly. And that's why we have told the**

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1 **voter you can use either number or both, and we**

2 **recommend using both.**

3 Q. (BY MR. STEWART) All right. Let me -- you

4 mentioned some implementation documents that went to

5 counties.

6 MR. STEWART: I think we're on, I believe

7 --

8 COURT REPORTER: 6.

9 MR. STEWART: -- 6, thank you.

10 That's for you.

11 Q. (BY MR. STEWART) So I'll show you what we've

12 marked as Exhibit 6.

13 (Plaintiff's Exhibit No. 6 was marked for

14 identification.)

15 Q. (BY MR. STEWART) Is this the application for

16 a ballot by mail that the Secretary of State's Office

17 distributed to counties?

18 **A. It is the revised application for a ballot by**

19 **mail that we have promulgated, yes.**

20 Q. And sorry, you said this form was prepared by

21 the Secretary of State's Office?

22 **A. It was.**

23 Q. Can counties modify this form?

24 **A. So you don't need to have a particular form in**

25 **order to apply for a ballot by mail, you can just have a**

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<p style="text-align: right;">Page 57</p> <p>1 handwritten document, but it needs to contain the</p> <p>2 elements of 84.002. We suggest if a county is going to</p> <p>3 modify this form, number one, that it doesn't say</p> <p>4 promulgated by the Secretary of State on it, and number</p> <p>5 two, that they run it by us first, just to make sure</p> <p>6 they're not missing anything important. We suggest the</p> <p>7 same thing for candidates and campaigns.</p> <p>8 Q. Got it. Are they required to run it by you,</p> <p>9 or is that a suggestion?</p> <p>10 MR. JEFFREY WHITE: Objection, form.</p> <p>11 A. For -- for this particular form it's a</p> <p>12 suggestion, a very strong suggestion, because what you</p> <p>13 end up with is something like what Harris County did on</p> <p>14 the carrier envelope or on the application, where they</p> <p>15 left off important information and confused voters in</p> <p>16 the process.</p> <p>17 Q. (BY MR. STEWART) Sorry, is it -- and then</p> <p>18 with the carrier envelope, is that required to be run by</p> <p>19 you if there are any alterations by counties?</p> <p>20 MR. JEFFREY WHITE: Objection, form.</p> <p>21 A. Yes, absolutely. That one's got to be run by</p> <p>22 us.</p> <p>23 Q. (BY MR. STEWART) Yeah. And who at the</p> <p>24 Secretary of State is authorized to grant that approval</p> <p>25 for counties to change the form -- the carrier envelope</p>	<p style="text-align: right;">Page 59</p> <p>1 a Texas personal ID number or --</p> <p>2 A. The --</p> <p>3 Q. -- a Texas election identification --</p> <p>4 MR. JEFFREY WHITE: Objection --</p> <p>5 Q. (BY MR. STEWART) -- certificate?</p> <p>6 MR. JEFFREY WHITE: -- form.</p> <p>7 A. The form tracks the law, yes. That's what</p> <p>8 it's supposed to do.</p> <p>9 Q. (BY MR. STEWART) So the form is faithful to</p> <p>10 the language of the law?</p> <p>11 MR. JEFFREY WHITE: Objection, form.</p> <p>12 A. The form tracks the law, which is what a good</p> <p>13 form does.</p> <p>14 Q. (BY MR. STEWART) I'll show you Exhibit 7.</p> <p>15 (Plaintiff's Exhibit No. 7 was marked for</p> <p>16 identification.)</p> <p>17 Q. (BY MR. STEWART) Do you recognize this</p> <p>18 document?</p> <p>19 A. Yes.</p> <p>20 Q. What is this document?</p> <p>21 A. It's a PDF, I believe, of a revised carrier</p> <p>22 envelope.</p> <p>23 Q. Is this accurate with respect to the contents</p> <p>24 of the revised carrier envelope?</p> <p>25 MR. JEFFREY WHITE: Objection, form.</p>
<p style="text-align: right;">Page 58</p> <p>1 form?</p> <p>2 MR. JEFFREY WHITE: Objection, form.</p> <p>3 A. Our lawyers.</p> <p>4 Q. (BY MR. STEWART) And so then I'll direct your</p> <p>5 attention to the box, top half of the page, right side</p> <p>6 in a black background and white letters.</p> <p>7 It says, "You must provide one of the</p> <p>8 following numbers", and then underneath it there is a</p> <p>9 box with space for entering ID numbers or an SSN-four or</p> <p>10 a checkbox, is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Is this the section that implements the SB 1</p> <p>13 mail-in ballot provisions with respect to the</p> <p>14 application ballot by mail?</p> <p>15 A. Yes.</p> <p>16 Q. And does this track the language of SB 1?</p> <p>17 A. It does.</p> <p>18 Q. And this has the if you do not have a Texas</p> <p>19 driver's license, Texas personal ID number or Texas</p> <p>20 election identification certificate number, give the</p> <p>21 last four digits of your social security number,</p> <p>22 correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And so your direction to voters was to provide</p> <p>25 that only if they did not have a Texas driver's license,</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Without looking at every word, I believe so,</p> <p>2 yes, sir.</p> <p>3 Q. (BY MR. STEWART) And you said counties need</p> <p>4 approval to modify this form, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Did any counties request that modification</p> <p>7 this -- in the March -- for the March 2020 primary</p> <p>8 election?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall which counties did so?</p> <p>11 A. I believe Tarrant and Dallas both had a little</p> <p>12 different situation with regard to the number under the</p> <p>13 flap and the shorter cutaway flap.</p> <p>14 Q. Were there any counties that requested to</p> <p>15 modify for which the Secretary of State denied approval?</p> <p>16 A. I don't think so.</p> <p>17 Q. Were there any counties that requested to</p> <p>18 modify for which the Secretary of State suggested</p> <p>19 further modifications based on the proposed county's</p> <p>20 modifications?</p> <p>21 MR. JEFFREY WHITE: Objection, form.</p> <p>22 A. Yes. We have -- we have suggested further</p> <p>23 changes.</p> <p>24 Q. (BY MR. STEWART) Looking at what is Page --</p> <p>25 the third page of this PDF, and in the box about halfway</p>

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<p>Page 61</p> <p>1 down the page beginning, black background white letters, 2 "Required Information", and then "you must provide one 3 of the following numbers and it must be associated with 4 your voter registration record", is this the area used 5 to implement the SB 1 language with respect to ballot 6 carrier envelopes? 7 A. Yes. 8 MR. JEFFREY WHITE: Objection, form. 9 Q. (BY MR. STEWART) And does this have the if 10 you do not have a Texas driver's license, or a personal 11 identification card or a Texas election identification 12 certificate number, give the last four digits of your 13 social security number language? 14 A. It does. 15 Q. Is it the same in Spanish? 16 A. It is. 17 Q. And does that track the language of SB 1? 18 A. It does. 19 Q. Are there currently any plans to modify this 20 form for future elections? 21 A. Yes. 22 Q. What are those plans? 23 A. We have revised it. We are getting final 24 approvals now, but it's got a red box around this, these 25 three, to draw attention to it.</p>	<p>Page 63</p> <p>1 MR. JEFFREY WHITE: Objection, form. 2 A. The balloting materials are mailed by 3 counties. 4 Q. (BY MR. STEWART) By county. 5 Was the purpose of this form to implement 6 SB 1, specifically? 7 A. Well, the original purpose of the signature 8 verification -- a signature sheet, is to assist those 9 voters who don't know how to do the origami to put 10 together a carrier envelope. So this can be used in 11 lieu of a carrier envelope, and it's specifically 12 allowed by a statute for FPCA voters. So the original 13 purpose of a signature sheet is to replace a carrier 14 envelope for voters who don't want to create a carrier 15 envelope from materials that have been emailed to them. 16 Q. So this form predated SB 1? 17 A. This form predates SB 1. 18 Q. But it was modified to reflect SB 1 before the 19 March 2020 primary? 20 A. That's correct. 21 MR. JEFFREY WHITE: Objection, form. 22 Q. (BY MR. STEWART) Marked as -- it was modified 23 to reflect SB 1 before the March 2022 primary, correct? 24 A. That's correct. 25 Q. And is the language implementing SB 1 the box</p>
<p>Page 62</p> <p>1 Q. Uh-huh. Will that still track the language of 2 SB 1? 3 A. Yes. 4 Q. Are there any plans to modify the application 5 for a ballot by mail for the -- for future elections? 6 A. No. 7 Q. Show you one more. 8 MR. STEWART: I believe we're at 8? 9 COURT REPORTER: Uh-huh. 10 Q. (BY MR. STEWART) Are you familiar with this 11 document? 12 (Plaintiff's Exhibit No. 8 was marked for 13 identification.) 14 A. I am. 15 Q. (BY MR. STEWART) What is this document? 16 A. This is a signature sheet that a federal 17 postcard application voter is supposed to use when they 18 send back their mail ballots. 19 Q. Is this prepared by the Secretary of State? 20 A. It is. 21 Q. Is this mailed to FPCA voters by -- and sorry, 22 if I say FPCA, federal postcard applicant -- is this 23 mailed to FPCA voters by counties or by the Secretary of 24 State's Office? 25 A. It's --</p>	<p>Page 64</p> <p>1 about a little less than halfway down the page that 2 begins "Required Information"? 3 A. That's correct. 4 Q. And that's similarly to the carrier envelope 5 and the ballot by mail application, has the if you do 6 not have a Texas driver's license language, correct? 7 A. That's correct. 8 MR. JEFFREY WHITE: Objection, form. 9 Q. (BY MR. STEWART) And that tracks SB 1? 10 A. It does. 11 Q. Are there any plans to modify this form in the 12 future? 13 A. We do not. 14 MR. STEWART: This is No. 9. Give that 15 to Jeff, I'll get the marked version. 16 (Plaintiff's Exhibit No. 9 was marked for 17 identification.) 18 Q. (BY MR. STEWART) All right. I'll show you 19 what's been marked as Exhibit 9, do you recognize this 20 form? 21 A. Yes. 22 Q. What is this form? 23 A. It's the Notice of Rejected ABBM. 24 Q. Did this form predate SB 1? 25 A. Yes.</p>

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<p>Page 65</p> <p>1 Q. But it was it amended in light of SB 1?</p> <p>2 A. Yes.</p> <p>3 Q. Is this the version that's currently in use?</p> <p>4 A. I don't know.</p> <p>5 Q. Reading it over, do you see any differences</p> <p>6 from the version currently in use?</p> <p>7 A. I would have to see, because I wonder if</p> <p>8 there's more than one of these. I know there's about</p> <p>9 four different notices for carrier envelope rejection, I</p> <p>10 just don't know if there's more than one for rejected</p> <p>11 ABBM.</p> <p>12 Q. Sure. So to, I guess to reflect it -- to ask</p> <p>13 it a different way, is this a version currently in use?</p> <p>14 A. I believe so, yes.</p> <p>15 Q. And when is this sent to voters?</p> <p>16 A. When their application for a ballot by mail</p> <p>17 doesn't contain the required personal identification</p> <p>18 number.</p> <p>19 Q. And does this form direct voters to provide</p> <p>20 both their driver's license or personal identification</p> <p>21 card number and the last four digits of the social</p> <p>22 security number?</p> <p>23 A. So this form is used whenever their record</p> <p>24 doesn't contain either one, and they -- we want them to</p> <p>25 update to have them.</p>	<p>Page 67</p> <p>1 A. From the driver's license database.</p> <p>2 Q. (BY MR. STEWART) From the driver's license</p> <p>3 database maintained by DPS?</p> <p>4 A. Well, yes, but I'm sure DPS does what they do</p> <p>5 for us, and they give a copy of the database to DIR, to</p> <p>6 do the validation.</p> <p>7 Q. Sorry, what is DIR?</p> <p>8 A. Department of Information Resources.</p> <p>9 Q. I'm sorry, DIR, right, I see.</p> <p>10 So it's Department of Information</p> <p>11 Resources that runs Texas.gov?</p> <p>12 A. That's correct.</p> <p>13 Q. And they receive their information from DPS?</p> <p>14 A. That's correct.</p> <p>15 Q. Thank you.</p> <p>16 A. And in answer to your earlier question, we did</p> <p>17 suggest that they supply both numbers.</p> <p>18 Q. Uh-huh. And who authorized that</p> <p>19 interpretation?</p> <p>20 MR. JEFFREY WHITE: Objection, form.</p> <p>21 A. I guess me. I don't know what you mean, that</p> <p>22 interpretation.</p> <p>23 Q. (BY MR. STEWART) Who needs to give final</p> <p>24 approval for this form?</p> <p>25 A. Well, me.</p>
<p>Page 66</p> <p>1 Q. And the direction is to submit an updated</p> <p>2 voter registration or update information online,</p> <p>3 correct?</p> <p>4 A. They can either use the enclosed application,</p> <p>5 or they can do it at Texas.gov, yes.</p> <p>6 Q. Does receiving this indicate that a voter's</p> <p>7 existing registration is invalid?</p> <p>8 A. No.</p> <p>9 Q. Then turning to the update your information</p> <p>10 online it says, "To access the voter registration portal</p> <p>11 via Texas.gov you must have", and there's a list of four</p> <p>12 items and the final two are your social security number</p> <p>13 -- excuse me. I'll withdraw that.</p> <p>14 Looking at the update your information</p> <p>15 online section, there is a portion that says, "To access</p> <p>16 the voter registration portal via Texas.gov you must</p> <p>17 have", and a list of four items, correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Two of those are your Texas driver's license</p> <p>20 or Texas personal identification card and your social</p> <p>21 security number, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. Does -- where does Texas.gov draw that</p> <p>24 information from to compare what a voter provides?</p> <p>25 MR. JEFFREY WHITE: Objection, form.</p>	<p>Page 68</p> <p>1 Q. Did Secretary Scott see the form?</p> <p>2 A. I don't know if he did or not.</p> <p>3 Q. Does Secretary Scott need to approve the form</p> <p>4 before it can be used?</p> <p>5 A. No.</p> <p>6 MR. STEWART: I believe we're 10?</p> <p>7 COURT REPORTER: Yes.</p> <p>8 MR. STEWART: Okay.</p> <p>9 Q. (BY MR. STEWART) So I'm showing you what's</p> <p>10 been marked as Exhibit 10, do you recognize this</p> <p>11 document?</p> <p>12 (Plaintiff's Exhibit No. 10 was marked</p> <p>13 for identification.)</p> <p>14 A. Yes.</p> <p>15 Q. (BY MR. STEWART) Is this a separate document</p> <p>16 that can be sent to voters if an application for ballot</p> <p>17 by mail was rejected?</p> <p>18 A. Yes. This one is for a different reason.</p> <p>19 Q. And what is the reason for this one?</p> <p>20 A. Well, the first one was because they didn't</p> <p>21 have a number in their system. This one is if they've</p> <p>22 got a missing number, one or the other, or they've</p> <p>23 provided an incorrect number.</p> <p>24 Q. And how was this use -- sorry, I think I</p> <p>25 actually got -- I'll withdraw that.</p>

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<p>Page 73</p> <p>1 A. I know I did one in January. Was this one it?</p> <p>2 Q. And were you the person giving that</p> <p>3 presentation, or was it someone else at the Secretary of</p> <p>4 State's Office?</p> <p>5 A. Again, I gave a presentation in January on the</p> <p>6 ballot by mail process.</p> <p>7 Q. Actually, let me put this aside for a minute.</p> <p>8 I'll show you what we've marked as No.</p> <p>9 12.</p> <p>10 (Plaintiff's Exhibit No. 12 was marked</p> <p>11 for identification.)</p> <p>12 Q. (BY MR. STEWART) Turning to No. 12, do you</p> <p>13 recognize this document?</p> <p>14 A. I'm still looking at 11.</p> <p>15 Q. Sure, I'm going to ask about No. 12, though,</p> <p>16 so you can put No. 11 aside for now.</p> <p>17 A. Yeah. I'm looking at 11, thank you.</p> <p>18 Q. Okay.</p> <p>19 MR. STEWART: If we're going to take time</p> <p>20 for that, I'm going to ask to go off the record.</p> <p>21 COURT REPORTER: The time is 10:25 a.m.,</p> <p>22 we are off the record.</p> <p>23 (Off the record at 10:25 a.m.)</p> <p>24 COURT REPORTER: The time is 10:45 a.m.,</p> <p>25 we are back on the record.</p>	<p>Page 75</p> <p>1 A. It is.</p> <p>2 Q. Did the Secretary of State review this</p> <p>3 document?</p> <p>4 Secretary Scott, to be clear.</p> <p>5 A. I don't know.</p> <p>6 Q. You don't know whether Secretary Scott</p> <p>7 reviewed this document?</p> <p>8 A. I don't.</p> <p>9 Q. Who created the interpretations of SB 1's mail</p> <p>10 ballot provisions that are reflected in this document?</p> <p>11 A. Our office.</p> <p>12 Q. And whom in your office does -- was involved?</p> <p>13 A. The way a document like this comes together is</p> <p>14 a collaborative effort by our attorneys, our legal</p> <p>15 director, myself, and usually Adam Bitter, the general</p> <p>16 counsel, will sit in on those meetings.</p> <p>17 Q. Did you consult with Secretary Scott on these</p> <p>18 interpretations before issuing this document?</p> <p>19 A. I mean, not specifically. I mean, the -- the</p> <p>20 whole general idea, obviously, was something that we</p> <p>21 talked about, so that he would be prepared to talk to</p> <p>22 the media and -- and to town halls, so yes. I mean, I</p> <p>23 -- I assume he reviewed it, but I don't know for sure.</p> <p>24 I would have to ask him.</p> <p>25 Q. So you published this without knowing whether</p>
<p>Page 74</p> <p>1 Q. (BY MR. STEWART) All right. Thank you.</p> <p>2 Thank you, Mr. Ingram.</p> <p>3 I think we were still on Document 12, do</p> <p>4 you recognize this document?</p> <p>5 A. I do.</p> <p>6 Q. What is this document?</p> <p>7 A. It's our advisory regarding the cure process</p> <p>8 on applications for ballot by mail and carrier</p> <p>9 envelopes.</p> <p>10 Q. And what is an advisory?</p> <p>11 A. An advisory is something that our office</p> <p>12 issues. It's more formal than a mass email.</p> <p>13 Q. To whom is it distributed?</p> <p>14 A. County election officials, sometimes to</p> <p>15 cities, schools and other political subdivisions, if</p> <p>16 applicable. This one, I believe, went to all the lists.</p> <p>17 Q. Does it provide official instructions to</p> <p>18 county election officials?</p> <p>19 A. It does.</p> <p>20 Q. Okay. Did you prepare this document?</p> <p>21 A. Not in the first instance. I definitely</p> <p>22 reviewed and helped revise, but I wasn't the primary</p> <p>23 drafter.</p> <p>24 Q. And that's your signature on the document,</p> <p>25 right?</p>	<p>Page 76</p> <p>1 he reviewed it?</p> <p>2 A. Sure.</p> <p>3 Q. Who is authorized at the Secretary of State's</p> <p>4 Office to make these interpretations of the law?</p> <p>5 A. Me.</p> <p>6 Q. You?</p> <p>7 So you are able to send these without</p> <p>8 Secretary Scott's review?</p> <p>9 A. Well, I mean, we have a lot of cooks in our</p> <p>10 kitchen, so I don't do anything by myself. I'm</p> <p>11 certainly not a cowboy out there, riding the range</p> <p>12 alone.</p> <p>13 Q. Is there anyone you report to whom reviews --</p> <p>14 who reviews this before it is sent out?</p> <p>15 A. As I said, we've got a whole lot of cooks in</p> <p>16 our kitchen, and a lot of people review everything we</p> <p>17 do.</p> <p>18 Q. Specifically, are there any cooks you report</p> <p>19 to who review it before it goes out?</p> <p>20 A. Sure.</p> <p>21 Q. Who is that?</p> <p>22 A. It's the deputy secretary, Joe Esparza.</p> <p>23 Q. So Deputy Secretary Esparza reviewed this</p> <p>24 before it went out?</p> <p>25 A. Sure.</p>

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1 MR. JEFFREY WHITE: Objection, form.

2 Q. (BY MR. STEWART) Did secretary -- does Deputy

3 Secretary Esparza need to approve these interpretations

4 of the law before they are finalized?

5 **A. Well, if he doesn't think that we need to say**

6 **something, then he will say so and we won't say it.**

7 Q. Is his formal approval needed?

8 **A. I don't know what you mean by formal approval.**

9 Q. Did he direct you to change any of your

10 interpretations of the law in this document?

11 **A. No.**

12 Q. All right. So let's turn to Page 3 of this

13 document.

14 Before you do that, so who does have

15 ultimate authority then, to determine the Secretary of

16 State's official policy?

17 **A. Well, I mean, we do.**

18 Q. Sorry, who is we?

19 **A. Me, my legal director, Christina Adkins; our**

20 **general counsel, Adam Bitter; the deputy secretary.**

21 Q. So could you determine Secretary of State

22 official policy on your own?

23 **A. Like I said, I am not a lone ranger out there**

24 **on the range by myself.**

25 Q. I guess the question is, who needs to give

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1 final approval for a policy before it becomes Secretary

2 of State official policy?

3 **A. We have a lot of people who review our**

4 **advisories before they go out.**

5 Q. And all of their assent is needed?

6 **A. Well, if they've got any proposed**

7 **modifications, then they've got the opportunity to make**

8 **modifications.**

9 Q. Who --

10 **A. We do not have -- we do not have a sheet where**

11 **people sign off formally on it.**

12 Q. Sure. Whose affirmative assent is needed --

13 **A. Me.**

14 Q. -- to approve a policy?

15 Only yours?

16 **A. No.**

17 Q. Who else's?

18 **A. I don't know what you mean. We don't have a**

19 **process like that in our office. That's -- that's not a**

20 **part of our process. We have a collaborative process**

21 **where people have the opportunity to make input, then we**

22 **all agree it's ready to go out.**

23 Q. Who is able to reject a policy before it is

24 finalized?

25 MR. JEFFREY WHITE: Objection, form.

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1 **A. Anybody can raise a question about anything in**

2 **the process.**

3 Q. (BY MR. STEWART) If two people disagree over

4 that question, whose interpretation governs?

5 **A. We try to work it out, and we get a**

6 **collaborative view.**

7 Q. If you're unable to work it out, whose

8 interpretation governs?

9 MR. JEFFREY WHITE: Objection, form.

10 **A. Eventually, it will come down to whoever has**

11 **the -- the strongest feeling and the most arguments to**

12 **back it up. I mean, I don't know what you mean. We --**

13 **we have a collaborative process. We don't send**

14 **something out that we haven't all gotten on board with.**

15 Q. (BY MR. STEWART) So there needs to be

16 affirmative consent from everyone on this team before

17 any document is sent out?

18 **A. Don't know what affirmative consent means.**

19 Q. If anyone -- if anyone on the team disagrees

20 with something in this document, is it not sent out?

21 **A. They have the opportunity to propose changes.**

22 Q. But if anyone disagrees, is it not sent out?

23 MR. JEFFREY WHITE: Objection, form.

24 **A. We don't -- we don't work like that, we don't**

25 **take a vote and then say at three to two we win. That's**

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1 **not how we work.**

2 Q. (BY MR. STEWART) Can something be sent out

3 that the Secretary of State Scott disagrees with?

4 **A. No, absolutely not.**

5 Q. Can something be sent out that you disagree

6 with?

7 **A. No, absolutely not.**

8 Q. Can something be sent out that Deputy

9 Secretary of State Esparza disagrees with?

10 **A. No.**

11 Q. Can something be sent out that Ms. Adkins

12 disagrees with?

13 **A. Sometimes, maybe, but I doubt it. It's not a**

14 **something happens very often in the 10 years we've**

15 **worked together.**

16 Q. So turning to Page 3, to Scenario 3, it says

17 the "Voter provides the last four digits of their social

18 security number on the ABBM. The voter registration

19 record contains a driver's license number and social

20 security number.

21 The early voting clerk is able to

22 validate that the partial security -- social security

23 number on the ABBM matches the number in the voter's

24 registration record. The early voting clerk must accept

25 the ABBM and send a ballot to the voter", and then it

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<p>Page 85</p> <p>1 MR. JEFFREY WHITE: Objection, form.</p> <p>2 A. Maybe that's what they thought, but they</p> <p>3 didn't say it. What they said is the application, the</p> <p>4 information has to identify the same voter.</p> <p>5 Q. (BY MR. STEWART) Sorry, what do you mean by</p> <p>6 what they thought?</p> <p>7 A. The legislature.</p> <p>8 Q. So you're saying the legislature may have</p> <p>9 thought they were incorporating that, but the Secretary</p> <p>10 of State's Office is interpreting that they did not?</p> <p>11 MR. JEFFREY WHITE: Objection, form.</p> <p>12 A. No. I made it very clear on record in</p> <p>13 committee hearings the way that we were going to</p> <p>14 interpret this. What we said in the committee hearings</p> <p>15 every time we got the opportunity to talk about this is</p> <p>16 that we're going to look at the numbers and see if it</p> <p>17 matches a number in the voter's record, and, if it does,</p> <p>18 we're going to accept it.</p> <p>19 Q. (BY MR. STEWART) Did the legislature make any</p> <p>20 amendments to that?</p> <p>21 A. They did not.</p> <p>22 MR. JEFFREY WHITE: Objection, form.</p> <p>23 Q. (BY MR. STEWART) Did you explicitly state</p> <p>24 that you were not going to refer to the hierarchy?</p> <p>25 MR. JEFFREY WHITE: Objection, form.</p>	<p>Page 87</p> <p>1 You've asked this multiple times. If you have the</p> <p>2 transcript, we can show him the transcript.</p> <p>3 MR. STEWART: Sir, if the witness would</p> <p>4 like to be responsive, I can move on.</p> <p>5 A. I have responded to your question.</p> <p>6 Q. (BY MR. STEWART) Did you know, yes or no?</p> <p>7 Or excuse me, was that the context in</p> <p>8 which that statement was made?</p> <p>9 A. That was definitely the context. He thought</p> <p>10 this could be read more restrictively. We told the</p> <p>11 committee that we are not going to read it</p> <p>12 restrictively.</p> <p>13 Q. And he thought it could be read more</p> <p>14 restrictively and did not amend the language correctly,</p> <p>15 correct?</p> <p>16 MR. JEFFREY WHITE: Objection, form.</p> <p>17 A. The language was amended. This is not the</p> <p>18 original language.</p> <p>19 Q. (BY MR. STEWART) Sorry, and he did not amend</p> <p>20 either 84.002(a)'s hierarchy or this reference in</p> <p>21 86.001(f), correct?</p> <p>22 A. The language was amended so that this whole</p> <p>23 identify the same voter --</p> <p>24 Q. Uh-huh.</p> <p>25 A. -- is -- was amended into it, I believe. I'll</p>
<p>Page 86</p> <p>1 A. I explicitly said we're going to take</p> <p>2 whichever number they offer, and, if they identify a</p> <p>3 voter in the voter registration record, then we're going</p> <p>4 to accept that.</p> <p>5 Q. Were you discussing the hierarchy in the</p> <p>6 course of that conversation?</p> <p>7 MR. JEFFREY WHITE: Objection, form.</p> <p>8 A. That -- the question was what if they provide</p> <p>9 one and not the other, and they've got the other one.</p> <p>10 Q. (BY MR. STEWART) That was what was</p> <p>11 specifically asked at the hearing?</p> <p>12 A. I don't know, some version of that, but --</p> <p>13 Q. You don't know --</p> <p>14 A. -- like I --</p> <p>15 Q. -- whether that was specifically asked at the</p> <p>16 hearing?</p> <p>17 A. Dude, I'm not going to go and memorize a</p> <p>18 transcript. You can look up the hearing transcript if</p> <p>19 you want to. Representative Bucy had questions, I had</p> <p>20 answers. He wanted to know how we would interpret this,</p> <p>21 I told him how we would interpret it.</p> <p>22 Q. Okay. Thank you. But what you're saying is</p> <p>23 you don't know whether that was the specific question</p> <p>24 you were answering?</p> <p>25 MR. JEFFREY WHITE: Objection, form.</p>	<p>Page 88</p> <p>1 have to go check, but I'm pretty sure that was the</p> <p>2 change they made to accommodate what I was talking</p> <p>3 about.</p> <p>4 Q. So your interpretation -- so the -- excuse me,</p> <p>5 the Secretary of State's interpretation is that that</p> <p>6 identify the same voter language is what allows for that</p> <p>7 interpretation?</p> <p>8 A. That's right, and because it used to be more</p> <p>9 restrictive. It used to say the only way you could do</p> <p>10 it is if they provided the number on the voter</p> <p>11 registration application, and obviously this does not</p> <p>12 say that.</p> <p>13 Q. So this expanded it beyond the application</p> <p>14 itself?</p> <p>15 A. That's right.</p> <p>16 Q. Turning to -- back to Document 12 then and</p> <p>17 looking at Scenario 6 it says, "A voter provides both</p> <p>18 types of personal identification numbers, example:</p> <p>19 driver's license number and last four digits of social</p> <p>20 security number, on their ABBM. The voter registration</p> <p>21 record contains both types of personal identification</p> <p>22 numbers; one on the ABM -- BBM matches the record, but</p> <p>23 the other does not match.</p> <p>24 Because the early voting clerk is able to</p> <p>25 validate one of the numbers to the voter's voter</p>

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<p style="text-align: right;">Page 89</p> <p>1 registration record", in parens, "and thus verify the 2 identity of the voter, the clerk must accept the ABBM 3 and send a ballot to the voter". 4 Is that still the current interpretation? 5 A. Sure. 6 Q. Yeah. And so when there is an affirmatively 7 incorrect number on an ABBM, it is still accepted as 8 long as that other number is correct? 9 A. If the number matches and can identify the 10 same voter as the application for voter registration 11 then yes. 12 Q. What's the statutory basis for that 13 interpretation? 14 A. 86.001(f). 15 Q. Who arrived at that interpretation? 16 A. Our office. 17 Q. Did Secretary of Scott -- did Secretary Scott 18 review that interpretation? 19 A. I don't know if he reviewed that or not, but 20 he's certainly been telling everybody he can to put both 21 numbers on the -- on the forms. 22 Q. So he -- just so I heard you correct, you said 23 he's been telling everyone he can to put both numbers on 24 the form? 25 A. That you can and you should.</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. If the voter has numbers in the DPS record -- 2 or excuse -- let me withdraw that. 3 If the voter has a driver's license 4 number in the DPS database, but it's not reflected in 5 the TEAM database, and has a social security number in 6 the DPS database, but it's not reflected in the TEAM 7 database, will their ballot be accepted if they check 8 that box under this scenario? 9 MR. JEFFREY WHITE: Objection, form. 10 A. We don't check the DLs database whenever we're 11 looking at ABBMS, we look at TEAM. 12 Q. And by DLs you mean DPS? 13 A. That's right. 14 Q. Okay. 15 MR. STEWART: We are on -- sorry, getting 16 another paper here -- 17 COURT REPORTER: 14. 18 MR. STEWART: -- 14. 19 Q. (BY MR. STEWART) All right. I'll show you 20 what we're marking as Document 14. 21 (Plaintiff's Exhibit No. 14 was marked 22 for identification.) 23 Q. (BY MR. STEWART) Do you recognize this 24 document? 25 A. I do.</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. I see. But you don't know whether he reviewed 2 this interpretation, specifically, about -- 3 A. He had -- he had the opportunity to review it. 4 I didn't hear anything from him specifically about any 5 of this. 6 Q. And by had the opportunity, was this document 7 sent to him before it was issued? 8 A. It was sent to everybody, yes. 9 Q. Scenario 8, "Voter indicates on the ABBM that 10 they have not been issued any of the required personal 11 identification numbers. If the voter's voter 12 registration record does not contain any of these 13 numbers, the early voting clerk must accept the ABBM and 14 send a ballot to the voter", is that still the current 15 guidance? 16 A. That is. 17 Q. Is any check run to see whether the voter is 18 correct, that they have not been issued those personal 19 identification numbers? 20 A. That's what this provides. They -- the voter 21 indicates that they don't have any of these numbers, 22 there's not any of these numbers in the record, that's 23 the check. 24 Q. And is that checked against TEAM? 25 A. It's checked against TEAM.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. What is this document? 2 A. This is the global rejection of an application 3 for ballot by mail. 4 Q. And in what circumstances is this sent? 5 A. For any of the ordinary rejection reasons. 6 Q. Uh-huh. And then I'll show you -- and by 7 ordinary rejection reasons, what do you mean? 8 A. You know, the -- any of them. I mean, there - 9 - there's a list here of 17, do you want me to read 10 them? 11 Q. No. You don't need to do that. 12 MR. STEWART: And then this is? Sorry. 13 COURT REPORTER: 15. 14 MR. STEWART: 15. 15 Q. (BY MR. STEWART) I'll show you what's been 16 marked as No. 15. 17 (Plaintiff's Exhibit No. 15 was marked 18 for identification.) 19 Q. (BY MR. STEWART) Do you recognize this 20 document? 21 A. I do. 22 Q. What is this document? 23 A. It's called a Notice of Carrier Defect. 24 Q. And what is the purpose of this document? 25 A. This is to help the voter with -- do the --</p>

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<p>Page 97</p> <p>1 director Sam Taylor, the secretary, the deputy 2 secretary. 3 Q. So the secretary was part of those 4 conversations? 5 A. Absolutely. 6 Q. How frequently was the secretary involved in 7 those conversations? 8 A. Not often. 9 Q. About how -- about how many times? 10 A. When we were about ready to release product. 11 Q. So he would review the product after -- or 12 excuse me, at about the time it was ready to be 13 released? 14 A. That's right. 15 Q. Did he suggest any changes to the product? 16 MR. JEFFREY WHITE: Objection -- 17 A. No, sir. 18 MR. JEFFREY WHITE: -- to the extent 19 you're -- this gets into the deliberative process while 20 they're debating policies before they're finalized. I 21 am going to instruct him that he is not to disclose the 22 content of discussions that would have gone into 23 deliberation regarding the final form. But if it's 24 regarding what the final form is, then he can speak to 25 that.</p>	<p>Page 99</p> <p>1 A. She is the election administrator in Bexar 2 County. 3 Q. Uh-huh. If you could take a second to review 4 the first email in this chain, dated Friday, January 21, 5 2022 at 10:31 a.m., what do you understand Ms. Callanen 6 to be asking? 7 A. Well, I don't have the attachments, but what 8 appears to have happened is that someone sent in an 9 application for ballot by mail with a copy of their 10 driver's license. 11 Q. And it appears that otherwise the application 12 for ballot by mail, identification number or social 13 security number portions were not filled out, correct? 14 A. Looks like it. 15 Q. And what was your response to Ms. Callanen 16 when she asked what to do with that -- 17 A. That the DL -- 18 Q. -- application? 19 A. -- copy could supplement the ABBM, and that 20 they could use that DL copy to update the voter 21 registration record with that driver's license number 22 and accept that application. 23 Q. So the guidance was that if TEAM did not 24 reflect a driver's license number, but the voter sent a 25 copy of their driver's license, that copy could be used</p>
<p>Page 98</p> <p>1 MR. STEWART: Well, let me just probe 2 that for a second. 3 Q. (BY MR. STEWART) Was the purpose of these 4 conversations with the secretary to develop policy? 5 A. Not really. 6 Q. Okay. So did Secretary Scott direct any 7 changes to those forms? 8 A. He did not. 9 MR. STEWART: We are at 17? 10 COURT REPORTER: 16. 11 MR. STEWART: 16, excuse me. 12 Q. (BY MR. STEWART) I'm sorry. 13 A. I can get it. 14 Q. Okay. I thought I was getting better. 15 MR. JEFFREY WHITE: We'll get a smaller 16 table next time. 17 Q. (BY MR. STEWART) So I'll show you what's been 18 marked as Document 16, it is Bates stamped "State052241" 19 on the bottom. 20 (Plaintiff's Exhibit No. 16 was marked 21 for identification.) 22 Q. (BY MR. STEWART) This appears to be an email 23 between you and Jacque Callanen, is that correct? 24 A. That's correct. 25 Q. Who is Ms. Callanen?</p>	<p>Page 100</p> <p>1 to both update TEAM, and then accept the application for 2 ballot by mail? 3 MR. JEFFREY WHITE: Objection, form. 4 A. That's correct. 5 Q. (BY MR. STEWART) Is that the official 6 interpretation of the Secretary of State's Office? 7 A. Sure. 8 Q. Are you aware of any other circumstances where 9 that happened? 10 A. Not this, precisely, but we have had 84.014 11 get discussed quite a bit by county election officials. 12 Q. And what is 84.014? 13 A. It says that your -- you can use information 14 on an application for ballot by mail to update a voter 15 registration record. 16 Q. And what were those discussions? 17 A. They wanted to know can you use the 18 application that's got a number that you don't have in 19 the file to update the record, and the answer to that is 20 no. And the reason why you could here is because they 21 sent in a copy of the driver's license. 22 Q. Why is the answer generally no? 23 A. Because then it tautology and SB 1 would be 24 ineffective. 25 Q. And why is that?</p>

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<p>Page 113</p> <p>1 A. Right.</p> <p>2 Q. And is that how final interpretation of</p> <p>3 statutes are reached as well?</p> <p>4 A. Well, if -- if a question comes up, and that's</p> <p>5 -- that's why it's hard about this question is this</p> <p>6 question hasn't come up. We have had zero inquiries</p> <p>7 about an -- an assistant wants to do this, and it's not</p> <p>8 in the oath, and what is -- what are we going to do?</p> <p>9 What I would tell them to do is they should assist the</p> <p>10 voter. Right?</p> <p>11 And I'm pretty sure any of my lawyers</p> <p>12 would say assist the voter, but this is not a question</p> <p>13 that's come up for discussion, because it's not a</p> <p>14 question that we've gotten from either voters, their</p> <p>15 assistants or counties.</p> <p>16 Q. So do you typically wait to receive a question</p> <p>17 to interpret a statute?</p> <p>18 A. No, absolutely not.</p> <p>19 Q. But in this circumstance you have?</p> <p>20 A. No. We just haven't had occasion to answer</p> <p>21 the question.</p> <p>22 Q. And other than being asked questions by</p> <p>23 counties, what are other occasions to answer the</p> <p>24 question?</p> <p>25 A. If a voter asks, or an assistant, or a</p>	<p>Page 115</p> <p>1 up with an answer.</p> <p>2 So saying we set policy one way,</p> <p>3 generally, with a formal committee and sign-offs, we</p> <p>4 don't do that. We're a small agency, and in our small</p> <p>5 agency of less than 200 people, we are in a very small</p> <p>6 division of about 30 people. So this is not a -- this</p> <p>7 is not a great big bureaucratic monstrosity. Right?</p> <p>8 We've got six lawyers plus Christina and I. We ask each</p> <p>9 other the question, we have meetings a couple times a</p> <p>10 week and talk about what questions are you hearing.</p> <p>11 Q. So the policy on the assistor oath that you've</p> <p>12 just articulated, that an assistor can provide the forms</p> <p>13 of assistance needed, was that formulated by you,</p> <p>14 sitting here today?</p> <p>15 A. Absolutely. And it would be my answer if --</p> <p>16 if we get asked that question, that's what I would tell</p> <p>17 our lawyers to say, if they need assistance, give them</p> <p>18 assistance.</p> <p>19 Q. Would others need to concur in that policy?</p> <p>20 A. Don't know.</p> <p>21 Q. So for example, if Ms. Adkins agreed with your</p> <p>22 -- disagreed, rather, with the interpretation you've</p> <p>23 come up with today, what would your process be?</p> <p>24 A. Why do you disagree? What else are you going</p> <p>25 to tell them?</p>
<p>Page 114</p> <p>1 potential assistant. A potential assistant could call</p> <p>2 our office and say I'm worried about this, because I</p> <p>3 need to do some more things other than these four.</p> <p>4 Well, that hasn't happened.</p> <p>5 Q. I see. But so, in general, policy is created</p> <p>6 in response to questions from external individuals?</p> <p>7 A. No, no.</p> <p>8 Q. So then what are the circumstances where a</p> <p>9 Secretary of State policy is created?</p> <p>10 A. I -- I don't know how to answer that question.</p> <p>11 We create policy in a number of ways in our office.</p> <p>12 Q. And what are those ways?</p> <p>13 A. We write advisories, we send mass emails.</p> <p>14 Those are reviewed before they go out, by a lot of</p> <p>15 folks. We decide on frequently asked questions, and</p> <p>16 what the answers were going to be, sometimes</p> <p>17 prophylactically, sometimes in response to really</p> <p>18 frequently asked questions. So you can't just say we</p> <p>19 set policy one way, we set policy as we need to set</p> <p>20 policy.</p> <p>21 We decide how we're going to answer a</p> <p>22 question as we need to answer the question. Sometimes</p> <p>23 we're pretty sure that question is going to come, so we</p> <p>24 prepare an answer in advance, sometimes a question comes</p> <p>25 out of left field we never expected, we've got to come</p>	<p>Page 116</p> <p>1 Q. And how would you ultimately arrive at the</p> <p>2 final policy?</p> <p>3 A. Collaboratively.</p> <p>4 Q. So could that policy change from where you're</p> <p>5 sitting here today?</p> <p>6 A. Potentially, but I don't think so. We would</p> <p>7 all say assist the voters.</p> <p>8 Q. And what's your basis for saying that?</p> <p>9 A. Because I know how our office works.</p> <p>10 THE WITNESS: We just lost the Zoom.</p> <p>11 MR. STEWART: It's okay. We can go off</p> <p>12 the record anyway.</p> <p>13 COURT REPORTER: The time is 11:27 a.m.,</p> <p>14 we are off the record.</p> <p>15 (Off the record at 11:27 a.m.)</p> <p>16 COURT REPORTER: The time is 11:38 a.m.,</p> <p>17 we are back on the record.</p> <p>18 Q. (BY MR. STEWART) Mr. Ingram, just one more</p> <p>19 thing I want to go back to.</p> <p>20 On Exhibit 3, which I think was the TEAM</p> <p>21 field layout, earlier, I asked you about the ballot</p> <p>22 status field on the second page, and you indicated that</p> <p>23 AV means ballot accepted.</p> <p>24 If I recall correctly, you didn't know,</p> <p>25 sitting here, what A meant?</p>

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EXHIBIT

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Christina Adkins

July 20, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, ET AL)
)
 PLAINTIFFS,)
)
 VS.) CIVIL ACTION NO.
) 5:21-CV-844 (XR)
) (CONSOLIDATED CASES)
 STATE OF TEXAS, ET AL,)
)
 DEFENDANTS.)

ORAL DEPOSITION OF

CHRISTINA ADKINS

JULY 20, 2022

ORAL DEPOSITION of CHRISTINA ADKINS, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 20th day of July, 2022, from 9:00 a.m. to 3:06 p.m., before Gabriela S. Silva, CSR, RPR in and for the State of Texas, reported by stenograph, at William P. Clements Building, 300 W. 15th Street, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Christina Adkins

July 20, 2022

Page 2	Page 3
<p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3</p> <p>4 COUNSEL FOR THE PLAINTIFFS:</p> <p>5 JENNIFER J. YUN</p> <p>6 DANA PAIKOWSKY</p> <p>7 U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION</p> <p>8 Robert F. Kennedy Building</p> <p>9 950 Pennsylvania Avenue NW</p> <p>10 Washington, DC 20530</p> <p>11 (202) 353-5225</p> <p>12 MARK L. BIETER</p> <p>13 STOEL RIVES, LLP</p> <p>14 101 S. Capitol Boulevard, Suite 1900</p> <p>15 Boise, ID 83702</p> <p>16 (208) 387-4217</p> <p>17 LISA VIOLET CUBRIEL (via Zoom)</p> <p>18 BEXAR COUNTY DA'S OFFICE, CIVIL LITIGATION</p> <p>19 P.O. Box 12548</p> <p>20 Austin, Texas 78711</p> <p>21 (210) 335-2311</p> <p>22 GRAHAM WHITE (via Zoom)</p> <p>23 ELIAS LAW GROUP</p> <p>24 10 G St NE</p> <p>25 Washington, DC 20002</p> <p>(202) 968-4490</p> <p>ANTHONY J. 'TONY' NELSON (via Zoom)</p> <p>ASSISTANT TRAVIS COUNTY ATTORNEY</p> <p>P.O. Box 1748</p> <p>Austin, Texas 78767</p> <p>(512) 854-4801</p> <p>MICHAEL 'MIKE' FISCHER (via Zoom)</p> <p>JONES DAY</p> <p>51 Louisiana Ave NW</p> <p>Washington, DC 20001</p> <p>(202) 879-3939</p>	<p style="text-align: center;">APPEARANCES (cont'd.)</p> <p>1</p> <p>2</p> <p>3 COUNSEL FOR THE DEFENDANTS:</p> <p>4 KATHLEEN HUNKER</p> <p>5 J. AARON BARNES</p> <p>6 SPECIAL LITIGATION UNIT</p> <p>7 OFFICE OF THE ATTORNEY GENERAL OF TEXAS</p> <p>8 P.O. Box 12548</p> <p>9 Austin, Texas 78711</p> <p>10 (512) 936-2021</p> <p>11</p> <p>12 ADAM BITTER</p> <p>13 ZAC RHINES</p> <p>14 KATHERINE PITCHER</p> <p>15 OFFICE OF THE SECRETARY OF STATE</p> <p>16 Capitol Building, Rm. 1E.8</p> <p>17 P.O. Box 12697</p> <p>18 Austin, Texas 78711</p> <p>19 (512) 475-2813</p> <p>20</p> <p>21 ALSO PRESENT (via Zoom)</p> <p>22 JASON S. KANTERMAN</p> <p>23 SAMEER BIRRING</p> <p>24 BARBARA NICHOLAS</p> <p>25 REBECCA MARTIN</p> <p>JOSEPHINE RAMIREZ</p> <p>PATIENCE ADEGBOYEGA</p> <p>LEIGH TOGNETTI</p>
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<p style="text-align: center;">I N D E X</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">E X H I B I T S</p> <p>1</p> <p>2</p> <p>3 Exhibit No. 1</p> <p>4 State 053428..... 20</p> <p>5</p> <p>6 Exhibit No. 2</p> <p>7 State 053284..... 32</p> <p>8 Exhibit No. 3</p> <p>9 State 035247..... 34</p> <p>10</p> <p>11 Exhibit No. 4</p> <p>12 State 034156..... 38</p> <p>13 Exhibit No. 5</p> <p>14 State 031647..... 44</p> <p>15</p> <p>16 Exhibit No. 6</p> <p>17 State 040997..... 45</p> <p>18 Exhibit No. 7</p> <p>19 State 051170..... 49</p> <p>20</p> <p>21 Exhibit No. 8</p> <p>22 State 034565..... 58</p> <p>23 Exhibit No. 9</p> <p>24 State 031546..... 67</p> <p>25</p> <p>Exhibit No. 10</p> <p>State 019849..... 78</p> <p>Exhibit No. 11</p> <p>State 046960..... 86</p> <p>Exhibit No. 12</p> <p>State 073074..... 91</p> <p>Exhibit No. 13</p> <p>KSAT News Article..... 98</p> <p>Exhibit No. 14</p> <p>State 036721..... 102</p> <p>Exhibit No. 15</p> <p>State 081255..... 138</p>

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<p>1 EXHIBITS (cont'd.)</p> <p>2</p> <p>3 Exhibit No. 16</p> <p>4 State 075391..... 147</p> <p>5 Exhibit No. 17</p> <p>6 State 078343..... 160</p> <p>7</p> <p>8 Exhibit No. 18</p> <p>9 State 075307..... 162</p> <p>10 Exhibit No. 19</p> <p>11 State 001713..... 166</p> <p>12</p> <p>13 Exhibit No. 20</p> <p>14 State 075401..... 174</p> <p>15 Exhibit No. 21</p> <p>16 State 031879..... 180</p> <p>17</p> <p>18 Exhibit No. 22</p> <p>19 State 032017..... 180</p> <p>20 Exhibit No. 23</p> <p>21 State 076578..... 183</p> <p>22</p> <p>23 Exhibit No. 24</p> <p>24 State 074958..... 186</p> <p>25 Exhibit No. 25</p> <p>State 075495..... 192</p>	<p>1 PROCEEDINGS</p> <p>2 (On the record at 9:00 a.m.)</p> <p>3 (Witness sworn in.)</p> <p>4 CHRISTINA ADKINS,</p> <p>5 having first been duly sworn, testified as follows:</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MRS. YUN:</p> <p>8 Q. Good morning, Mrs. Adkins.</p> <p>9 A. Good morning.</p> <p>10 Q. My name is Jennifer Yun. I'm from the Department</p> <p>11 of Justice. Thank you for joining us this morning.</p> <p>12 Could you please state your name and spell it for the</p> <p>13 record?</p> <p>14 A. My name is Christina Worrell Adkins.</p> <p>15 C-H-R-I-S-T-I-N-A, Worrell, W-O-R-R-E-L-L, Adkins,</p> <p>16 A-D-K-I-N-S.</p> <p>17 Q. Thank you. Before we do anything else, I want to</p> <p>18 make sure we are set up for a smooth deposition. Have</p> <p>19 you been -- have you ever been deposed before?</p> <p>20 A. No.</p> <p>21 Q. Okay. So here are some ground rules to help us</p> <p>22 throughout the deposition. So first, this works best</p> <p>23 for the court reporter if you wait to start your answer</p> <p>24 until I finish my question. Is that okay with you?</p> <p>25 A. Sure.</p>
<p>1 Q. Also, the court reporter cannot indicate any head</p> <p>2 nods or any other gesture so every answer needs to be</p> <p>3 verbal. Is that okay with you?</p> <p>4 A. Yes.</p> <p>5 Q. Your attorney may object to a question, but you</p> <p>6 should still answer the question unless they</p> <p>7 specifically instruct you not to do so. Is that okay?</p> <p>8 A. Yes.</p> <p>9 Q. Can you agree that if you don't understand a</p> <p>10 question or need -- need any clarification, you'll say</p> <p>11 so?</p> <p>12 A. Yes.</p> <p>13 Q. And also, if you can't hear me or -- also, just</p> <p>14 let me know.</p> <p>15 A. Of course.</p> <p>16 Q. And on the other hand, if you answer without</p> <p>17 asking for any clarification, I'll assume that you have</p> <p>18 understood my question. Is that fair?</p> <p>19 A. Sure.</p> <p>20 Q. Is there any reason you're aware of that your</p> <p>21 memory and ability to answer questions would be impaired</p> <p>22 today?</p> <p>23 A. No.</p> <p>24 Q. Is there any reason you're aware of that your</p> <p>25 ability to effectively communicate your answers would be</p>	<p>1 impaired today?</p> <p>2 A. No.</p> <p>3 Q. Have you consumed any prescription medication,</p> <p>4 drugs, alcohol, suffered any condition or injury or</p> <p>5 otherwise have reason to believe you might be impaired</p> <p>6 from testifying truthfully and accurately today?</p> <p>7 A. No.</p> <p>8 Q. I want to remind you that you're under oath and</p> <p>9 subject to penalties for giving false or misleading</p> <p>10 testimony. So it's important to answer my questions</p> <p>11 truthfully, accurately and completely. Do you</p> <p>12 understand?</p> <p>13 A. I do.</p> <p>14 Q. And finally, if you need a break, just let me</p> <p>15 know and we can take one. I'll just ask that you answer</p> <p>16 any pending question before we take a break. Is that</p> <p>17 okay?</p> <p>18 A. Of course.</p> <p>19 Q. Great. Do you have any questions?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did you prepare to testify at this</p> <p>22 deposition?</p> <p>23 MRS. HUNKER: Objection, form.</p> <p>24 A. Yes.</p> <p>25 Q. (By Mrs. Yun) How did you prepare?</p>

July 20, 2022

<p style="text-align: right;">Page 34</p> <p>1 counties to apply to vote for Ballot by Mail.</p> <p>2 Q. Do you know how election officials established</p> <p>3 that a voter who sent in this ABBM form was a registered</p> <p>4 voter in their county?</p> <p>5 MRS. HUNKER: Objection, form, ambiguous and</p> <p>6 vague.</p> <p>7 A. Generally speaking, I think the counties would</p> <p>8 look at the information that's on this form and confirm</p> <p>9 that that person is a registered voter in their county</p> <p>10 in the part -- as they process the application form.</p> <p>11 Q. (By Mrs. Yun) And this form does not require the</p> <p>12 voter to put down their ID number or their -- or the</p> <p>13 last four digits of their social security. Correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay.</p> <p>16 (Exhibit Number 3 was marked.)</p> <p>17 Q. (By Mrs. Yun) I'm handing you what's been marked</p> <p>18 as Exhibit 3. Do you recognize this document?</p> <p>19 A. Yes. It appears to be a modified version of our</p> <p>20 form, but it's -- it's a modified version of our form,</p> <p>21 but it's not our official form, no.</p> <p>22 Q. Okay. If you look at the second page, it says,</p> <p>23 Prescribed by Secretary of State 12/17. So prescribed</p> <p>24 by Secretary of State does not mean that's your official</p> <p>25 form?</p>	<p style="text-align: right;">Page 35</p> <p>1 A. No. If they're modifying -- if a county modifies</p> <p>2 our forms, they're supposed get pre-approval from our</p> <p>3 office for modifying it. I don't know whose form this</p> <p>4 is. We also instruct that they take off the prescribed</p> <p>5 language because it's not our official form at that</p> <p>6 point. So I don't know whose form this is.</p> <p>7 Q. Yeah, so that language should not be there,</p> <p>8 Prescribed by the Secretary of State?</p> <p>9 A. We generally tell our counties that if they're</p> <p>10 modifying an official form, they have to get</p> <p>11 pre-approval. We usually tell them to remove the</p> <p>12 prescribed by language and say approved by. Some</p> <p>13 counties are better at doing that than others, but this</p> <p>14 form, it looks like our carrier, but I don't know whose</p> <p>15 version it is.</p> <p>16 Q. Okay.</p> <p>17 A. It's different than what we prescribed in 2017.</p> <p>18 Q. I see. So the carrier envelope that was -- the</p> <p>19 official carrier envelope, which is not this, before</p> <p>20 December 2021, that official form did not require the</p> <p>21 voter to put down their ID number or the last four</p> <p>22 digits of their social. Correct?</p> <p>23 A. That's correct.</p> <p>24 Q. Okay. So let's move on to talk about mail voting</p> <p>25 requirements under SB1, not previous to SB1. What is</p>
<p style="text-align: right;">Page 36</p> <p>1 your office's interpretation of SB1's requirements with</p> <p>2 regards to voters who provide the last four digits of</p> <p>3 their social security number even though they have a</p> <p>4 driver's license number?</p> <p>5 A. Could you repeat that question again?</p> <p>6 Q. Sure.</p> <p>7 A. And if I may interrupt? Can we mute somebody?</p> <p>8 Okay. Go on, I'm sorry.</p> <p>9 Q. Yes. So what is your office's interpretation of</p> <p>10 SB1's requirements for voters -- with regards to voters,</p> <p>11 mail voters, who provide their -- the last four digits</p> <p>12 of their social security number on their mail ballot</p> <p>13 materials even though they have a driver's license</p> <p>14 number?</p> <p>15 MRS. HUNKER: Objection, form, calls for a</p> <p>16 legal conclusion, vague, ambiguous.</p> <p>17 A. What do you mean by interpretation? As to what</p> <p>18 aspect of that?</p> <p>19 Q. (By Mrs. Yun) Well, so if a county said -- so I</p> <p>20 guess we can take the interpretation part out of the</p> <p>21 question.</p> <p>22 A. Yeah.</p> <p>23 Q. Let me try again. So if a county asks, Okay, we</p> <p>24 have an ABBM from a voter who put down the last four</p> <p>25 digits of their social security number on their ABBM and</p>	<p style="text-align: right;">Page 37</p> <p>1 nothing for their driver's license number, but our voter</p> <p>2 registration system -- voter registration database shows</p> <p>3 both their driver's license number as well as the last</p> <p>4 four digits of their social. Do we accept this ABBM</p> <p>5 even though they did not put down their driver's license</p> <p>6 number and they only put down their social security</p> <p>7 number?</p> <p>8 A. As long as --</p> <p>9 MRS. HUNKER: Objection, form, vague,</p> <p>10 ambiguous, compound, calls for a legal conclusion. You</p> <p>11 can answer.</p> <p>12 A. As long as they -- the number that the voter</p> <p>13 provided matches what's in the voter registration</p> <p>14 record, we would instruct the county to accept that ABBM</p> <p>15 as long as it -- the application was otherwise valid.</p> <p>16 Q. (By Mrs. Yun) So -- okay. Understood. Would it</p> <p>17 be permissible for your office to instruct counties to</p> <p>18 do something other than accept it as long as it's valid</p> <p>19 otherwise in the future?</p> <p>20 MRS. HUNKER: Objection, form, calls for</p> <p>21 legal conclusion. You can answer.</p> <p>22 A. I don't understand the question. I'm sorry.</p> <p>23 Q. (By Mrs. Yun) Sure. So I think my understanding</p> <p>24 is that you're saying that as long as their last four</p> <p>25 digits of social matches what they have on the voter</p>

EXHIBIT

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Christina Adkins

April 11, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,)	
et al.,)	
)	
Plaintiffs,)	
)	
V.)	Case No. 5:21-cv-844 (XR)
)	(Consolidated Cases)
STATE OF TEXAS, et al.,)	
)	
Defendants.)	

ORAL DEPOSITION OF:

CHRISTINA ADKINS

April 11, 2023

Oral deposition of CHRISTINA ADKINS, produced as a witness at the instance of the plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 11th day of April, 2023, before Patrick Stephens, Certified Court Reporter, at 209 W. 14th Street, Austin, Texas 78701.

Christina Adkins

April 11, 2023
Pages 2 to 5

Page 2		Page 4	
A P P E A R A N C E S		E X H I B I T S	
ON BEHALF OF THE US DEPARTMENT OF JUSTICE:			
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Telephone: (202) 305-5533			
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ON BEHALF OF THE STATE DEFENDANTS:			
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ALSO PRESENT VIA ZOOM:			
Victor Genecin, LDF-HAUL Plaintiffs			
Louis J. Capozzi, Intervenor Defendants			
Germaine Habell, El Paso EA			
Josephine Ramirez-Solis, Hidalgo County			
Kevin Zhen, LUPE Plaintiffs			
Leigh Ann Tognetti, Hidalgo County			
Lisa Cubriel, Bexar County			
Mike Stewart, DOJ			
Nina Perales, LUPE Plaintiffs			
Omeed Aleraool, LULAC Plaintiffs			
Wendy Olson, MFV Plaintiffs			

Christina Adkins

April 11, 2023
Pages 26 to 29

<p style="text-align: right;">Page 26</p> <p>1 BY THE WITNESS (resuming):</p> <p>2 A I think that the instruction on the form state what --</p> <p>3 states what the law requires that it state.</p> <p>4 Q So do you agree that it's misleading or do you not</p> <p>5 agree that it's misleading?</p> <p>6 A I think that it states what the law requires. That's</p> <p>7 -- that's all I can put on the form.</p> <p>8 Q Did your office consider any changes to these</p> <p>9 instructions during the general election period?</p> <p>10 A No, because there have been no subsequent legislative</p> <p>11 sessions that would have given us the ability to change the</p> <p>12 language.</p> <p>13 Q Understood. Thank you. And for the carrier envelope</p> <p>14 -- well, I'll mark this and make sure it's in English. Exhibit</p> <p>15 Number 5 is being handed over here. Can you tell me what this</p> <p>16 document is?</p> <p>17 A This appears to be a printed copy of the text of a</p> <p>18 ballot-by-mail envelope, what we refer to as the carrier</p> <p>19 envelope.</p> <p>20 Q And what version is this as far as you can tell from</p> <p>21 the first page?</p> <p>22 A This is the one that was revised and issued in July</p> <p>23 2022.</p> <p>24 Q So what changes were made during that iteration of</p> <p>25 this form?</p>	<p style="text-align: right;">Page 28</p> <p>1 number is not associated with your record, you have to put the</p> <p>2 other number down, have you heard -- have you heard about other</p> <p>3 voters who have the same issue during the period leading up to</p> <p>4 the general election?</p> <p>5 A I can't think of a specific scenario, but I do recall</p> <p>6 my -- my team reporting to me that they did have a handful of</p> <p>7 calls related to that issue, but not -- not as many as they did</p> <p>8 in the primary election.</p> <p>9 Q And so it appears that this Ms. Martinez, the managing</p> <p>10 attorney, responded and asked Ms. Martin to have her daughter</p> <p>11 contact your office; is that right?</p> <p>12 A That's correct.</p> <p>13 Q Do you -- does your office have any other plans to</p> <p>14 address -- address this issue of people having put the number</p> <p>15 that is not associated with their registration record?</p> <p>16 MS. HUNKER: Objection to form.</p> <p>17 BY THE WITNESS (resuming):</p> <p>18 A I mean, I -- I don't think we're going to make any</p> <p>19 changes or consider any changes to our documentation until we</p> <p>20 get through the legislative session.</p> <p>21 Q Okay. So absent any legislative changes, do you have</p> <p>22 any plans to address it in any other way other than asking the</p> <p>23 voter to call and offer help that way?</p> <p>24 MS. HUNKER: Objection to form.</p> <p>25 BY THE WITNESS (resuming):</p>
<p style="text-align: right;">Page 27</p> <p>1 A If I recall, there were two changes that were made to</p> <p>2 the form: First was to modify the oath of assistance on the</p> <p>3 form as a result of some litigation that indicated certain</p> <p>4 statements had to be removed; and then the second change was to</p> <p>5 add some color to the box on the inside where it contains the</p> <p>6 personal identification numbers. In the original issuance of</p> <p>7 this form, that -- those boxes were in black like all of the</p> <p>8 other boxes on here, and to draw attention to it, we put those</p> <p>9 boxes in red.</p> <p>10 Q Okay. Did your office consider any further changes to</p> <p>11 this carrier envelope other than those two changes that you</p> <p>12 mentioned?</p> <p>13 A Everything that's on here is set by statute, and so</p> <p>14 we're very limited in what we can modify and we're also limited</p> <p>15 space-wise.</p> <p>16 Q So the box being in red, that was okay to modify.</p> <p>17 A There wasn't anything in statute that indicated the</p> <p>18 box had to be a certain color, and we were taking the</p> <p>19 opportunity, since we had to make changes regarding oath of</p> <p>20 assistance, to do something to draw a little bit more attention</p> <p>21 to that box based on feedback from counties and voters.</p> <p>22 Q I want to circle back briefly to what we spoke about</p> <p>23 on Exhibit 4, which is the E-mail about ABBMs. My apologies.</p> <p>24 So this problem of putting one of the two ID numbers down and</p> <p>25 then being told that, like, actually, you have to put that that</p>	<p style="text-align: right;">Page 29</p> <p>1 A I mean, I -- I would say that because -- as far as</p> <p>2 modifying the forms itself, because everything is set by statute</p> <p>3 and there's not a lot of real estate left to do anything else or</p> <p>4 provide supplemental instructions -- you know, we are bound by</p> <p>5 what the law tells us we can put on these forms, and then beyond</p> <p>6 that, if there's any -- any other efforts that we would undergo,</p> <p>7 again, I'm not really in the position right now to make those</p> <p>8 kinds of policy calls.</p> <p>9 Q Okay. And that's because you're in an acting position</p> <p>10 as opposed to a permanent position?</p> <p>11 A That's correct.</p> <p>12 Q Okay. And as the legal director, you would consult</p> <p>13 with the elections director to brainstorm any solutions; is that</p> <p>14 right?</p> <p>15 A That's correct.</p> <p>16 Q And do you have any ideas as -- with your</p> <p>17 legal-director hat on, do you have any ideas as to what else</p> <p>18 your office might do other than helping these voters</p> <p>19 individually on the phone?</p> <p>20 MS. HUNKER: Objection, form.</p> <p>21 BY THE WITNESS (resuming):</p> <p>22 A I would say that we currently do quite a bit of</p> <p>23 training with our election officials and with our ballot boards.</p> <p>24 We provide training to them on what the corrective -- corrective</p> <p>25 action requirements are and we work with counties pretty broadly</p>

Christina Adkins

April 11, 2023
Pages 66 to 69

<p style="text-align: right;">Page 66</p> <p>1 MS. HUNKER: Objection to form.</p> <p>2 BY THE WITNESS (resuming):</p> <p>3 A Again, I don't know -- I don't know what results in</p> <p>4 that reduction. All I know is that we're going to make sure</p> <p>5 that we're doing our part to make -- to train on what the law is</p> <p>6 and what those requirements are and what opportunities are</p> <p>7 available to make corrections or to remedy those rejection</p> <p>8 issues. I don't want an election official or ballot board</p> <p>9 member to be in a position of not knowing what those options</p> <p>10 are, but that's the most that I can do.</p> <p>11 Q Okay. Do you believe that there will be reductions in</p> <p>12 general in -- okay. Let me try it again. Do you believe that</p> <p>13 there will be any further reduction in mail-ballot rejections in</p> <p>14 future elections?</p> <p>15 A I -- that, I don't know. I -- I -- I don't recall the</p> <p>16 actual rejection rate in November, but I remember that it was</p> <p>17 pretty consistent with what we had seen in previous years prior</p> <p>18 to the corrective-action process being in place -- or the ID</p> <p>19 requirements being in place. So I remember it was relatively</p> <p>20 consistent with what we had in the past. I can't really</p> <p>21 speculate on future elections because I don't know what the laws</p> <p>22 are going to be going forward. I -- I don't know what changes</p> <p>23 there might be that could -- that maybe are unrelated to this</p> <p>24 issue but could impact rejection rates.</p> <p>25 Q Okay. Absent any further legal changes, do you have</p>	<p style="text-align: right;">Page 68</p> <p>1 A Yes.</p> <p>2 Q So you said it would depend on the budget and it would</p> <p>3 depend on sort of your discussions with her?</p> <p>4 A Uh-huh. And -- and I have to throw this in: And I</p> <p>5 imagine any other subsequent law changes --</p> <p>6 Q Yes.</p> <p>7 A -- that are -- that could impact the campaign.</p> <p>8 Q Right. So you also don't know whether it will be more</p> <p>9 or less compared to what happened leading up to the November</p> <p>10 election.</p> <p>11 A Correct.</p> <p>12 Q So you testified that you don't really know exactly</p> <p>13 what would drive rejection rates down. I'm just going to apply</p> <p>14 that same principle to voter education and ask you the same</p> <p>15 question just for the sake of completeness. So do you expect</p> <p>16 that further voter education would drive down mail-ballot</p> <p>17 rejection rates in the future?</p> <p>18 A Again, I -- you know, I don't know the answer to that.</p> <p>19 I'm not -- that's -- that's not my area of expertise, and I just</p> <p>20 don't know what kind of data would -- we can look at that would</p> <p>21 give us a sense. I -- I think there's a lot of factors that --</p> <p>22 that impact rejection rates.</p> <p>23 Q Okay. What do you believe led to the reduction in the</p> <p>24 rejection rates between the March primary and the November</p> <p>25 general election in terms of mail ballots?</p>
<p style="text-align: right;">Page 67</p> <p>1 any predictions as to what's going to happen to the rejection</p> <p>2 rate?</p> <p>3 A I really don't. I don't know. I'm sorry.</p> <p>4 Q It's okay. So moving on to voter education as opposed</p> <p>5 to training of county officials, does your office intend to</p> <p>6 conduct more -- any more voter education concerning SB1's</p> <p>7 mail-ballot requirements in the future?</p> <p>8 A So I don't know the answer to that. I'm not the</p> <p>9 person that makes decisions on our voter-education campaign.</p> <p>10 That's our communications director who just left and we have a</p> <p>11 new one starting --</p> <p>12 Q Okay.</p> <p>13 A -- so I imagine I'll be working with that new</p> <p>14 communications director to map out what we can and can't do and</p> <p>15 what we have a budget for.</p> <p>16 Q I see. And who's the new communications director?</p> <p>17 A Her name is Alicia Pierce, and she has not started</p> <p>18 yet --</p> <p>19 Q Okay.</p> <p>20 A -- so don't scare her away.</p> <p>21 Q I just read a lot of E-mails from Mr. Taylor, so --</p> <p>22 A Sure.</p> <p>23 Q -- you know, I've never met him, but I just...</p> <p>24 A You feel I ke you know him.</p> <p>25 Q Exactly.</p>	<p style="text-align: right;">Page 69</p> <p>1 A I mean, again, I don't really know that I can point to</p> <p>2 any one thing. I think there's a number of factors that</p> <p>3 contribute to that. Anytime there's a change in the law, it</p> <p>4 takes a few elections for voters to get used to that change. I</p> <p>5 think our county election officials were very aggressive after</p> <p>6 the primary -- or even during the primary in educating people on</p> <p>7 those changes.</p> <p>8 I also think that our county election officials did</p> <p>9 something pretty brilliant with respect to the ID number</p> <p>10 requirements. You know, one -- one of the things that we talked</p> <p>11 about with our counties is that if somebody submitted an ABBM or</p> <p>12 a carrier envelope that was missing an ID number or they</p> <p>13 realized that the voter didn't have both numbers in the</p> <p>14 statewide voter registration system, in TEAM, they didn't just</p> <p>15 focus on correcting it for that election. They were --</p> <p>16 everybody was pretty aggressive about getting those folks to</p> <p>17 submit a new voter registration application or go online to get</p> <p>18 that update, and so we have more complete records, because that</p> <p>19 is a viable cure option is updating your voter registration</p> <p>20 record with that -- with that number.</p> <p>21 And so rather than just doing a cure for the one election,</p> <p>22 I think they were pretty good about looking at the bigger</p> <p>23 picture. And so if -- you know, they would -- they would help</p> <p>24 facilitate that change, get that information to voters, which is</p> <p>25 one of the things that we educated on, and I think the counties</p>

EXHIBIT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO,	*	
et al.,	*	
Plaintiffs,	*	
	*	
v.	*	Civil Action No.
	*	5:21-cv-844 (XR)
STATE OF TEXAS, et al.,	*	
Defendants.	*	

ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF
THE DALLAS COUNTY ELECTIONS ADMINISTRATOR
THROUGH ITS DESIGNATED REPRESENTATIVE,
TACOMA PHILLIPS
APRIL 13, 2023

DEPOSITION of TACOMA PHILLIPS,
produced as a witness at the instance of the
Plaintiffs, and duly sworn, was taken in the
above-styled and numbered cause on the 13th day of
April, 2023, from 3:20 p.m. to 6:28 p.m., before
Christy R. Sievert, CSR, RPR, in and for the State
of Texas, reported by machine shorthand, at the
offices of the Dallas County Records Building, 500
Elm Street, Dallas, Texas, pursuant to the Federal
Rules of Civil Procedure and the provisions stated
on the record or attached hereto.

<div>1 A P P E A R A N C E S</div> <div>2</div> <div>3 FOR PLAINTIFF LA UNIÓN DEL PUEBLO ENTERO:</div> <div>4 MS. NINA PERALES</div> <div>5 Mexican American Legal Defense</div> <div>6 and Educational Fund</div> <div>7 110 Broadway, Suite 300</div> <div>8 San Antonio, Texas 78205</div> <div>9 np Perales@maldef.org</div> <div>10</div> <div>11 FOR MICHAEL SCARPELLO IN HIS OFFICIAL CAPACITY AS</div> <div>12 DALLAS COUNTY ELECTIONS ADMINISTRATOR:</div> <div>13</div> <div>14 MR. BEN L. STOOL</div> <div>15 MR. JASON SCHUETTE</div> <div>16 Assistant District Attorney</div> <div>17 Civil Division</div> <div>18 Criminal District Attorney's Office</div> <div>19 500 Elm Street, Suite 6300</div> <div>20 Dallas, Texas 75202</div> <div>21 ben.stool@dallascounty.org</div> <div>22 jason.schuette@dallascounty.org</div> <div>23</div> <div>24 FOR THE STATE DEFENDANTS:</div> <div>25 MS. KATHLEEN T. HUNKER</div> <div>26 Office of the Attorney General</div> <div>27 Special Counsel for Communications</div> <div>28 Post Office Box 12548</div> <div>29 Austin, Texas 78711</div> <div>30 512-463-2096</div> <div>31 kathleen.hunker@oag.texas.gov</div> <div>32</div> <div>33 FOR THE UNITED STATES OF AMERICA:</div> <div>34</div> <div>35 MR. MICHAEL E. STEWART</div> <div>36 U.S. Department of Justice</div> <div>37 Civil Rights Division</div> <div>38 950 Pennsylvania Avenue NW</div> <div>39 Washington, D.C. 20530</div> <div>40 michael.stewart3@usdoj.gov</div> <div>41</div>	<div>2</div> <div>4</div>
<div>1 A P P E A R A N C E S</div> <div>2 (continued)</div> <div>3 COUNSEL APPEARING REMOTELY:</div> <div>4 KEVIN ZHEN</div> <div>5 BARBARA NICHOLAS</div> <div>6 KIM BARR</div> <div>7 LISA CUBRIEL</div> <div>8 GERMAINE HABELL</div> <div>9 LEIGH ANN TOGNETTI</div> <div>10 JOSEPHINE RAMIREZ-SOLIS</div> <div>11 STEPHEN KENNY</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>3</div> <div>5</div>

<p>6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: This is the</p> <p>3 deposition of Tacoma Phillips, Dallas County</p> <p>4 Elections Administrator, in the matter of La Union</p> <p>5 Del Pueblo Entero, et al., vs. Gregory W. Abbott, et</p> <p>6 al.</p> <p>7 Our location is 500 Elm Street, Dallas,</p> <p>8 Texas.</p> <p>9 Today's date is April 13, 2023. The time</p> <p>10 is 3:20 p.m.</p> <p>11 My name is Kristen Geoffrion.</p> <p>12 Would all persons present please introduce</p> <p>13 themselves for the record.</p> <p>14 MS. PERALES: Nina Perales for the</p> <p>15 LUPE plaintiffs.</p> <p>16 MR. STEWART: Michael Stewart for the</p> <p>17 United States.</p> <p>18 MS. HUNKER: Kathleen Hunker from the</p> <p>19 Office of the Texas Attorney General representing</p> <p>20 State defendants along with individual legislators.</p> <p>21 MR. STOOL: Ben Stool, Criminal</p> <p>22 District Attorney's Office of Dallas County, Texas,</p> <p>23 representing the defendant Michael Scarpello, the</p> <p>24 Elections Administrator of Dallas County, Texas, and</p> <p>25 his office, anybody in the Dallas County Elections</p>	<p>8</p> <p>1 January 26, 2023.</p> <p>2 Voter systems complaints, Bates number</p> <p>3 MS024971, responsive to the LUPE plaintiff's sixth</p> <p>4 request for production number 62 produced on</p> <p>5 March 31, 2023.</p> <p>6 And finally, the poll watcher complaints</p> <p>7 Bates number MS024972, responsive to the LULAC</p> <p>8 plaintiff's seventh request for production number</p> <p>9 70, produced on March 31, 2023.</p> <p>10 MS. PERALES: Can I just ask you to</p> <p>11 clarify, there was -- the third to the last that you</p> <p>12 read out was MS018637 through, and then I didn't</p> <p>13 catch the. . .</p> <p>14 MR. STOOL: Oh, actually, that was in</p> <p>15 the second grouping, but it was MS018637 and</p> <p>16 MS018638.</p> <p>17 MS. PERALES: Got it. Thank you.</p> <p>18 MR. STOOL: You're welcome.</p> <p>19 MS. PERALES: All right. Are we ready</p> <p>20 to start?</p> <p>21 TACOMA PHILLIPS,</p> <p>22 having been first duly sworn,</p> <p>23 testified as follows:</p> <p>24 EXAMINATION</p> <p>25 BY MS. PERALES:</p>
<p>7</p> <p>1 Department, including the witness that's about to</p> <p>2 testify.</p> <p>3 MR. SCHUETTE: Jason Schuette,</p> <p>4 assistant district attorney for Dallas County</p> <p>5 assisting Mr. Stool.</p> <p>6 (Oath administered.)</p> <p>7 THE VIDEOGRAPHER: Ms. Phillips,</p> <p>8 there's a microphone there, if you could attach it.</p> <p>9 Thank you.</p> <p>10 MR. STOOL: Before we get started with</p> <p>11 this, I want to read into the record the discovery</p> <p>12 production we have already done concerning complaint</p> <p>13 books, voter assistance complaints, poll watcher</p> <p>14 complaints, general complaints, that the elections</p> <p>15 department has that we referred to Mr. Scarpello's</p> <p>16 testimony.</p> <p>17 Okay. Complaint books from 2016 to 2020,</p> <p>18 Bates numbers MS009125 through MS012093 and then</p> <p>19 MS014094 through MS015460. They were responsive to</p> <p>20 plaintiff's first set of requests for production in</p> <p>21 numbers 9 and 11 produced on March 7th of 2022.</p> <p>22 Now, general November complaints and</p> <p>23 primary and primary runoff complaints, Bates numbers</p> <p>24 MS018637 and MS018638, responsive to plaintiff's</p> <p>25 first requests for production number 11 produced on</p>	<p>9</p> <p>1 Q. Ms. Phillips, good afternoon.</p> <p>2 A. Good afternoon.</p> <p>3 Q. Would you please state your name for the</p> <p>4 record?</p> <p>5 A. Tacoma Phillips.</p> <p>6 Q. And now I know you've had your deposition</p> <p>7 taken before because you and I were together last</p> <p>8 year. So I'm just going to go briefly over the</p> <p>9 ground rules.</p> <p>10 Do you understand that you are under oath?</p> <p>11 A. Yes.</p> <p>12 Q. And do you understand that the oath that</p> <p>13 you have taken to tell the truth is the same as if</p> <p>14 you were testifying in a courtroom before a judge?</p> <p>15 A. Yes.</p> <p>16 Q. Is there anything that would prevent you</p> <p>17 from giving me your full attention and responding</p> <p>18 accurately today, such as illness or taking a</p> <p>19 medication that makes you fuzzy?</p> <p>20 A. No.</p> <p>21 Q. Is there anything else that might prevent</p> <p>22 you from understanding my questions or answering</p> <p>23 them fully?</p> <p>24 A. No.</p> <p>25 Q. You can take a break at any time. I would</p>

<p style="text-align: right;">78</p> <p>1 A. Yes.</p> <p>2 Q. If you received a carrier envelope, say you</p> <p>3 had sent a notice of rejection and then no cure</p> <p>4 comes, it just -- you know, you send the carrier</p> <p>5 envelope back, otherwise don't receive it back, or</p> <p>6 you've sent an e-mail, phone call, don't hear back</p> <p>7 from the voter, would you then send a second notice</p> <p>8 when the ballot was finally rejected because it was</p> <p>9 not cured?</p> <p>10 A. The ballot board sends a notice of a final</p> <p>11 rejection letting the voter know their ballot was</p> <p>12 rejected because for this reason.</p> <p>13 Q. How is that sent to voters?</p> <p>14 A. By mail.</p> <p>15 Q. By mail. Is that process the same after</p> <p>16 SB1 as it was before SB1?</p> <p>17 A. For the ballot board, I guess, yes. I'm</p> <p>18 not sure.</p> <p>19 Q. Okay. Do you know how we could find out?</p> <p>20 A. About the ballot board?</p> <p>21 Q. About basically is the notice that was sent</p> <p>22 a final rejection the same before SB1 went into</p> <p>23 place and after?</p> <p>24 A. Yeah, ask the ballot board judge.</p> <p>25 Q. I am going to ask you to pick back up</p>	<p style="text-align: right;">80</p> <p>1 your Social Security number," and four blanks for</p> <p>2 that.</p> <p>3 Do you see where I am?</p> <p>4 A. Yes.</p> <p>5 Q. Does that direction to provide a Social</p> <p>6 Security number if you do not have a driver's</p> <p>7 license, personal identification number or election</p> <p>8 identification certificate number accurately reflect</p> <p>9 how you evaluated ABBMs?</p> <p>10 MS. HUNKER: Objection; form.</p> <p>11 A. Say that again.</p> <p>12 BY MR. STEWART:</p> <p>13 Q. So I guess what I'm asking is, would you</p> <p>14 only accept an ABBM that listed the last four of an</p> <p>15 SSN if the voter did not have a Texas driver's</p> <p>16 license, Texas personal identification number or an</p> <p>17 election identification certificate number?</p> <p>18 MS. HUNKER: Objection; form.</p> <p>19 A. Repeat that again, please.</p> <p>20 BY MR. STEWART:</p> <p>21 Q. Sure. Maybe I'll ask it in a different</p> <p>22 way.</p> <p>23 If in your voter registration database it</p> <p>24 showed that a voter had a Texas driver's license</p> <p>25 number and an SSN four, and on an ABBM the voter</p>
<p style="text-align: right;">79</p> <p>1 Exhibit 10, which Ms. Perales handed you. It's that</p> <p>2 same spreadsheet.</p> <p>3 I know you testified you weren't familiar</p> <p>4 with this document specifically, but if you look</p> <p>5 back on page 10 where Ms. Perales had you directed</p> <p>6 before, the image you see with the highlighting on</p> <p>7 it, does that accurately look like an ABBM to you,</p> <p>8 or at least a portion --</p> <p>9 A. ABBM application?</p> <p>10 Q. A portion of an ABBM.</p> <p>11 A. Yes.</p> <p>12 Q. Do you see where under where it says, "You</p> <p>13 must provide one of the following numbers," there's</p> <p>14 some highlighted language and the blanks to provide</p> <p>15 ID numbers? Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. You'll see the first paragraph says, "Texas</p> <p>18 driver's license, Texas personal identification</p> <p>19 number, or election identification certificate</p> <p>20 number issued by the Department of Public Safety,</p> <p>21 not your voter registration VuID number." And then</p> <p>22 after that it says, "If you do not have a Texas</p> <p>23 driver's license, Texas personal identification</p> <p>24 number or a Texas election identification</p> <p>25 certificate number, give the last four digits of</p>	<p style="text-align: right;">81</p> <p>1 entered only their SSN four, would you still accept</p> <p>2 that ABBM?</p> <p>3 A. Yes.</p> <p>4 Q. So does this language to provide the last</p> <p>5 digits of the Social Security number if you do not</p> <p>6 have a driver's license number seem accurate?</p> <p>7 MS. HUNKER: Objection; form.</p> <p>8 A. Seem accurate for?</p> <p>9 BY MR. STEWART:</p> <p>10 Q. As a direction to a voter.</p> <p>11 MS. HUNKER: Same objection.</p> <p>12 A. I can't answer for the voter.</p> <p>13 BY MR. STEWART:</p> <p>14 Q. Do you think it might mis- -- let me</p> <p>15 rephrase it, then.</p> <p>16 Did you hear from any voters who seemed to</p> <p>17 be misled by that language?</p> <p>18 A. Yes.</p> <p>19 Q. And what did you hear from those voters?</p> <p>20 A. We heard from the voter if they gave us</p> <p>21 their Texas ID number, if they're older and don't</p> <p>22 drive anymore but on file they still have just their</p> <p>23 driver's license number, then -- and they also have</p> <p>24 on file voter registration record their Social</p> <p>25 Security number but they did not provide it, then it</p>

<p style="text-align: right;">82</p> <p>1 says you -- you told me "or," and I was, like, yes, 2 I understand what the application says, but we need 3 to have what you have on file. 4 Q. Approximately how many voters did you hear 5 from with a complaint like that? 6 A. I can't give you an approximate number, but 7 I can give you -- let's say a lot. 8 Q. A lot? 9 A. Uh-huh. 10 Q. Would that be over a hundred? 11 A. I wouldn't -- I wouldn't say me. I could 12 say my staff, answering the telephone calls, we 13 might have gotten over a hundred. I don't know 14 because I -- I wouldn't know. 15 Q. Sure. 16 A. I do -- I can give you one example of a 17 voter that I do remember, a son calling in for his 18 father. And he put just the -- his Texas ID because 19 he no longer drives, and he didn't put his last four 20 digits of his Social Security number. And he had 21 his old driver's license number and his Social 22 Security number on the voter registration record, 23 but he had a different one, and so it was a 24 mismatch. So we had to reject it. And so he called 25 us and he was a little angry. But we were able to</p>	<p style="text-align: right;">84</p> <p>1 Q. Did that happen at all with military or 2 overseas voters? 3 A. Not that I know of. Military overseas 4 voters, they're used to putting their driver's 5 license because it's -- and their Social Security 6 number because that form asks for that information. 7 So we have -- we did not have any problems for the 8 UOCAVA voters. 9 MS. PERALES: And that is UOCAVA, 10 U-O-C-A-V-A. 11 A. I apologize. Thank you for saying that. 12 BY MR. STEWART: 13 Q. Thank you. 14 And then as a final topic. I know you 15 discussed the ballot tracker a bit with Ms. Perales, 16 the online ballot tracker, that is. And if I recall 17 right, you discussed with Ms. Perales issues about 18 voters who could not log into the ballot tracker. 19 Is that right? 20 A. Yes. 21 Q. Did you hear from any voters who attempted 22 to use the ballot tracker to cure mail ballot 23 materials and were able to log in but weren't able 24 to complete the cure once they were in? 25 A. I don't recall completely. So when they</p>
<p style="text-align: right;">83</p> <p>1 guide him through to get it fixed. But, yes, we did 2 get a lot of that, yes. 3 Q. Okay. You can put that document aside now. 4 Do you have a lot of direct communication 5 with voters in your job? 6 A. Yes. 7 Q. Did you or, you know, did your staff report 8 to you hearing from voters who said they did not 9 plan to vote by mail in November 2022 because they 10 couldn't conform to these requirements? 11 A. Are you asking if they called us 12 specifically and say: I'm not going to vote by mail 13 because of this reason here? 14 Q. I can start with that question, sure, if 15 you've heard from anyone like that? 16 A. No. 17 Q. Was there any who once you started trying 18 to explain the ID number requirements jumped off of 19 the process? 20 A. Yes. 21 Q. How about how many did that happen for? 22 A. Quite a few. I don't -- I can't give you a 23 direct number, but, yes, quite a few. 24 Q. Did they tend to be older voters? 25 A. Yes.</p>	<p style="text-align: right;">85</p> <p>1 log in, completely cure. What do you mean by that? 2 Q. So if they had a -- let's say ABBM as an 3 example. If they had an ABBM rejected for an ID 4 number, a missing ID number, and they log into the 5 ballot tracker, they're able to get in, but then 6 they're not actually able to complete the cure, so 7 the problem is not one of access to the ballot 8 tracker but just the ability to use it to complete 9 the cure, did you have any voters descr be an issue 10 like that to you? 11 A. Not that I can recall. 12 Q. Okay. You are -- and by "you," I mean 13 Dallas -- are an offline county for the voter 14 registration database, correct? 15 A. Correct. 16 Q. Were you aware of any issues with your 17 offline database communicating with the TEAM 18 database for the -- for the general election cycles? 19 So that's only sort of following the May runoff, 20 communicating data between the two to -- for voter 21 registration records? 22 A. That would be a question for the voter 23 registration manager. 24 Q. Okay. That's fine. 25 MR. STEWART: With that, I will pass</p>

<p style="text-align: right;">98</p> <p>1 voters' information in the system, in your voter 2 registration system.</p> <p>3 Did you observe that fewer voters did not 4 have any ID number in the system whether that be a 5 Social Security number or a Texas ID number in the 6 November 2022 general election as compared to the 7 previous elections?</p> <p>8 A. I think it's maybe about the same. I don't 9 think it's -- there's a big -- a big difference in 10 that.</p> <p>11 Q. Did you observe fewer voters with only a 12 Social Security number or Texas ID number in their 13 voter registration file but not both in the November 14 election as compared to the prior elections?</p> <p>15 A. It's about the same.</p> <p>16 Q. Okay. And do you know whether fewer voters 17 failed to put down their ID number at all when 18 submitting their application for ballot by mail or 19 their carrier envelope?</p> <p>20 A. Say that again.</p> <p>21 Q. Sure. Did you observe that fewer voters 22 failed to put an ID number down at all on their 23 application for ballot by mail or their carrier 24 envelope in the November 2022 general election 25 compared to the primaries?</p>	<p style="text-align: right;">100</p> <p>1 paid attention to, will be my question.</p> <p>2 A. If it was a voter who -- it might have been 3 a new voter who failed to put in their information, 4 and they would have to go to the ballot tracker. So 5 it would be about the same. Because if you have a 6 voter from the beginning in -- in the primary who 7 went ahead and cured their ballot, then they 8 wouldn't have the problem -- the same problem. So 9 you have a new voter who have that same problem 10 versus an old voter.</p> <p>11 Q. So that actually is -- you bring up an 12 interesting point. Did you notice that once a voter 13 had gone through -- had a notice of defect and gone 14 through the cure process, that they no longer had a 15 difficulty in the subsequent election?</p> <p>16 MR. STEWART: Objection; form.</p> <p>17 BY MS. HUNKER:</p> <p>18 Q. Let me rephrase that.</p> <p>19 As compared to the general electorate, did 20 you notice that voters that had gone through the 21 cure process after receiving their notice of defect 22 were less likely to have a mismatch or missing ID 23 number in the subsequent elections?</p> <p>24 MS. PERALES: Objection; foundation.</p> <p>25 MR. STEWART: Objection; form.</p>
<p style="text-align: right;">99</p> <p>1 A. It's about the same.</p> <p>2 Q. And did you at any point do an assessment 3 to compare those numbers?</p> <p>4 A. No.</p> <p>5 Q. Are you aware that the Secretary of State's 6 office harvested ID numbers, both Texas ID numbers 7 and Social Security numbers, from DPS?</p> <p>8 A. Yes, I've heard they did.</p> <p>9 Q. Did you observe whether or not the number 10 of voters who did not have ID numbers in the system 11 declined after that harvesting took place?</p> <p>12 A. I did not notice.</p> <p>13 Q. Is that something you just didn't pay 14 attention to or. . .</p> <p>15 A. It's something I didn't pay attention to.</p> <p>16 Q. And so you talked a little bit with counsel 17 about logging into the ballot tracker. Do you 18 recall that conversation?</p> <p>19 A. Yes.</p> <p>20 Q. Did voters have, based on your experience, 21 fewer issues logging into the ballot tracker in 22 November 2022 compared to the primary?</p> <p>23 A. No, it was about the same.</p> <p>24 Q. Is that something that you paid attention 25 to, or is it that something -- is it something you</p>	<p style="text-align: right;">101</p> <p>1 BY MS. HUNKER:</p> <p>2 Q. You can answer.</p> <p>3 A. Well, let me put it this way. You have a 4 voter who voted in the primary election who filled 5 out the application perfectly, the carrier envelope 6 perfectly. Then come back in November and failed to 7 put their information on their carrier envelope, and 8 so it was rejected. So you will have that. So you 9 will have the voters who are not used to this form 10 or filling out -- putting this information in, and 11 so they're being rejected. So. . .</p> <p>12 Q. Did you observe less voter confusion 13 regarding the ID number requirements for ballots by 14 mail in the November 2022 general election as 15 compared to the prior elections, the primary or May 16 local?</p> <p>17 A. No, same thing, is if -- if we did get a 18 call like a voter confusion, it's a voter who is 19 filling out the application for the first time, a 20 new applicant. So you're still having the same 21 problems.</p> <p>22 Q. Did you talk voters through the ballot 23 tracker, using the ballot tracker?</p> <p>24 A. Yes.</p> <p>25 Q. And did you talk voters through adding</p>

EXHIBIT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO,	*	
et al.,	*	
Plaintiffs,	*	
	*	
v.	*	Civil Action No.
	*	5:21-cv-844 (XR)
STATE OF TEXAS, et al.,	*	
Defendants.	*	

ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF
THE DALLAS COUNTY ELECTIONS ADMINISTRATOR
THROUGH ITS DESIGNATED REPRESENTATIVE,
MICHAEL SCARPELLO
APRIL 13, 2023

DEPOSITION of MICHAEL SCARPELLO,
produced as a witness at the instance of the
Plaintiffs, and duly sworn, was taken in the
above-styled and numbered cause on the 13th day of
April, 2023, from 10:20 a.m. to 2:25 p.m., before
Christy R. Sievert, CSR, RPR, in and for the State
of Texas, reported by machine shorthand, at the
offices of the Dallas County Records Building, 500
Elm Street, Dallas, Texas, pursuant to the Federal
Rules of Civil Procedure and the provisions stated
on the record or attached hereto.

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<p>6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: This is the</p> <p>3 deposition of Michael Scarpello, Dallas County</p> <p>4 Elections Administrator, in the matter of La Union</p> <p>5 Del Pueblo Entero, et al., vs. Gregory W. Abbott, et</p> <p>6 al.</p> <p>7 Our location is 500 Elm Street, Dallas,</p> <p>8 Texas.</p> <p>9 Today's date is April 13, 2023. The time</p> <p>10 is 10:20 a.m.</p> <p>11 My name is Kristen Geoffrion.</p> <p>12 Would all persons present please introduce</p> <p>13 themselves for the record.</p> <p>14 MS. PERALES: Nina Perales for</p> <p>15 plaintiffs, Lupe, et al.</p> <p>16 MR. STEWART: Michael Stewart for the</p> <p>17 United States.</p> <p>18 MS. HUNKER: Kathleen Hunker with the</p> <p>19 Office of the Texas Attorney General representing</p> <p>20 State defendants as well as individual legislators.</p> <p>21 MR. STOOL: Ben Stool, Criminal</p> <p>22 District Attorney's Office of Dallas County, Texas,</p> <p>23 representing Defendant Michael Scarpello, the</p> <p>24 Elections Administrator of Dallas County, Texas.</p> <p>25 THE WITNESS: Michael Scarpello.</p>	<p>8</p> <p>1 A. Yes.</p> <p>2 Q. -- in front of a judge?</p> <p>3 A. Yes.</p> <p>4 Q. Is there anything today that would prevent</p> <p>5 you from giving me your full attention and</p> <p>6 responding accurately such as illness or medication?</p> <p>7 A. No.</p> <p>8 Q. Is there anything today that would prevent</p> <p>9 you from understanding my questions and answering</p> <p>10 them fully?</p> <p>11 A. No.</p> <p>12 Q. This is your deposition. If you need to</p> <p>13 take a break at any time, please ask. And my only</p> <p>14 request is that if there is a question out on the</p> <p>15 table, that you answer the question before we take</p> <p>16 the break.</p> <p>17 A. Okay.</p> <p>18 Q. Counsel may make objections, but unless you</p> <p>19 are instructed not to answer, generally, you will go</p> <p>20 ahead and answer the question and the objection will</p> <p>21 simply be made for the record. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. Because the court reporter cannot take down</p> <p>24 words when people are speaking simultaneously, I</p> <p>25 will ask you to wait for me to finish my question</p>
<p>7</p> <p>1 MICHAEL SCARPELLO,</p> <p>2 having been first duly sworn,</p> <p>3 testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MS. PERALES:</p> <p>6 Q. Good morning, Mr. Scarpello.</p> <p>7 A. Good morning.</p> <p>8 Q. I'm going to have to ask you to state your</p> <p>9 name again for the record now that you're sworn in.</p> <p>10 A. Michael Scarpello.</p> <p>11 Q. And what is your title?</p> <p>12 A. I'm the elections administrator for Dallas</p> <p>13 County.</p> <p>14 Q. And I know that you have had your</p> <p>15 deposition taken before. I believe we may have</p> <p>16 deposed you twice last spring.</p> <p>17 A. I think so.</p> <p>18 Q. So I will go over the ground rules quickly</p> <p>19 just as a refresher, if that's all right with you.</p> <p>20 A. Sure.</p> <p>21 Q. Do you understand that you are under oath?</p> <p>22 A. Yes.</p> <p>23 Q. Do you understand that the oath that you</p> <p>24 have taken to tell the truth today is the same oath</p> <p>25 that you take when you testify in court --</p>	<p>9</p> <p>1 before you start your answer, and I will wait for</p> <p>2 you to finish your answer before I start my next</p> <p>3 question. Is that okay?</p> <p>4 A. Yes.</p> <p>5 Q. It's important for you to make your answers</p> <p>6 out loud because the court reporter cannot take down</p> <p>7 head nods or shrugs. So will you agree to make your</p> <p>8 answers out loud?</p> <p>9 A. Yes.</p> <p>10 Q. He's humorous now. Let's see where he is</p> <p>11 in a couple of hours.</p> <p>12 If you don't understand the question,</p> <p>13 please ask me to rephrase it for you. Can you agree</p> <p>14 to that?</p> <p>15 A. Yes.</p> <p>16 Q. Now, with respect to information, I'm</p> <p>17 entitled to your best estimate, but I don't want you</p> <p>18 to guess. Is that okay?</p> <p>19 A. Yes.</p> <p>20 Q. And then, finally, do you have any</p> <p>21 questions about the deposition before we begin?</p> <p>22 A. No.</p> <p>23 Q. I would like to cover some definitions with</p> <p>24 you.</p> <p>25 A. Okay.</p>

<p style="text-align: right;">82</p> <p>1 A. Yes.</p> <p>2 Q. Was it -- was that number who were hired</p> <p>3 about the same between the primary and the general?</p> <p>4 In 2022. I'll specify.</p> <p>5 A. I would imagine it's higher in the general</p> <p>6 because of the higher number of ballots.</p> <p>7 Q. Comparing it this year with prior generals,</p> <p>8 do you know whether it was about the same?</p> <p>9 A. Considerably smaller. In prior elections,</p> <p>10 the mail ballot process was a completely</p> <p>11 paper-driven process, and there was literally one --</p> <p>12 100, 150 people working on mail ballots as far as</p> <p>13 the signature verification. They were comparing</p> <p>14 paper applications to paper registrations to paper</p> <p>15 carrier envelopes, et cetera.</p> <p>16 When I came in, we digitized that process.</p> <p>17 It's now all electronic. And so there's -- the</p> <p>18 early -- the voting ballot board or the signature</p> <p>19 verification committee, for instance, instead of</p> <p>20 hauling papers around the office, they're just</p> <p>21 looking at a computer screen, comparing two</p> <p>22 signatures side by side. So the entire process has</p> <p>23 gone from 125 people to a dozen people.</p> <p>24 Q. I see. And the digitization is what allows</p> <p>25 you to reduce that amount of hiring?</p>	<p style="text-align: right;">84</p> <p>1 A. I think we will continue to look at ways</p> <p>2 within the law to try to educate people and then --</p> <p>3 you know, to prevent them from making those mistakes</p> <p>4 as well as to try to cure the -- after they make</p> <p>5 those mistakes, including changing the legislation.</p> <p>6 I mean, that -- that -- that's part of the problem,</p> <p>7 that it's very difficult to cure right now.</p> <p>8 Q. What is making it difficult to -- what is</p> <p>9 making it difficult to cure?</p> <p>10 A. So you have an 80-year-old woman who is</p> <p>11 voting by mail, and she is in a nursing home and</p> <p>12 she's voting by mail for that reason because she</p> <p>13 doesn't want to go to a polling place. She'll send</p> <p>14 in her ballot, maybe doesn't fill out the carrier</p> <p>15 envelope properly, and the cure process says, okay,</p> <p>16 person that can't -- can't get out of the nursing</p> <p>17 home, you need to come down to our office to cure.</p> <p>18 It's just -- it's a -- it's a bad law. And there</p> <p>19 are efforts to try to allow them to cure through the</p> <p>20 mail or through -- through, you know, web --</p> <p>21 electronic means.</p> <p>22 Q. Do you anticipate you could ever get the</p> <p>23 number of voters -- the number of eligible voter</p> <p>24 registrars, I should say, who are rejected based on</p> <p>25 the ID requirements down to zero?</p>
<p style="text-align: right;">83</p> <p>1 A. Yes.</p> <p>2 Q. On a slightly different topic, you know,</p> <p>3 you described a number of things, voter education</p> <p>4 efforts, the ballot inserts. Is there anything else</p> <p>5 you office did to mitigate the risks that</p> <p>6 eligible -- eligible voters would have their ABBM or</p> <p>7 mail ballot rejected because of an ID number issue</p> <p>8 during the general election?</p> <p>9 A. During the general election, no.</p> <p>10 Q. Is there a distinction you're drawing with</p> <p>11 a different election?</p> <p>12 A. With the primary, we had -- because it was</p> <p>13 the first time out, we had -- we had a budget where</p> <p>14 we were going to extraordinary measures to contact</p> <p>15 voters who had problems with their ballots. What we</p> <p>16 saw on the general election is those numbers went</p> <p>17 down considerably.</p> <p>18 Q. Do you think there's -- let me strike that.</p> <p>19 But I think you testified you believed</p> <p>20 that those numbers are too high, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you think there's anything your office</p> <p>23 could do beyond what it's done this year, you know,</p> <p>24 across the primary in general to bring those</p> <p>25 rejection numbers down further?</p>	<p style="text-align: right;">85</p> <p>1 A. That would be the goal.</p> <p>2 Q. Do you think it would be possible?</p> <p>3 A. No.</p> <p>4 Q. Do you know -- or have you separated out</p> <p>5 about how much money, you know, your county spent</p> <p>6 implementing specifically the ID number provisions</p> <p>7 of SB1 in the general election?</p> <p>8 A. I don't know that off the top of my head.</p> <p>9 I think that, generally, if I remember correctly,</p> <p>10 last year we got a budget of \$180,000 to -- for</p> <p>11 those educational efforts. No, I -- and I could --</p> <p>12 I'm guessing on that number.</p> <p>13 Q. Is there an additional administrative cost</p> <p>14 as well?</p> <p>15 A. Yes, for the early voting ballot board,</p> <p>16 their -- they have to increase their numbers. Their</p> <p>17 work is increased. And that's paid for by our</p> <p>18 department.</p> <p>19 Q. Got it. But just you don't know exactly</p> <p>20 what that costs?</p> <p>21 A. (Shakes head negatively.)</p> <p>22 Q. I'll ask you, you know, whether this is for</p> <p>23 you or Ms. Phillips, contacting voters whose ballots</p> <p>24 are rejected, would that be better directed to</p> <p>25 toward Ms. Phillips?</p>

<p style="text-align: right;">86</p> <p>1 A. I can attempt to answer.</p> <p>2 Q. Sure. Sure.</p> <p>3 So for the general election, you know, are</p> <p>4 you familiar with any voters -- or are you aware of</p> <p>5 any voters, I'll say, who didn't provide a phone</p> <p>6 number or e-mail address at which to contact them?</p> <p>7 A. Yes.</p> <p>8 Q. And how did you contact them?</p> <p>9 A. They do it through the mail.</p> <p>10 Q. Did you attempt to call any voters?</p> <p>11 A. For the primary last year, we -- we -- I'll</p> <p>12 just back up for a second.</p> <p>13 Q. Sure.</p> <p>14 A. There's no requirement for someone to put</p> <p>15 their phone number or e-mail address. So we</p> <p>16 don't -- there's a low percentage of people that</p> <p>17 provide that information. And so last year, in the</p> <p>18 primary, we took that list of voters, we went to an</p> <p>19 outside vendor, we had them match up names to -- to</p> <p>20 find numbers, and then we made those -- and then we</p> <p>21 had that outside services make those calls. We did</p> <p>22 not do that for the general election.</p> <p>23 Q. Okay. Switching gears a little bit.</p> <p>24 Were there voters whose mail ballots were</p> <p>25 received and who would have received their rejection</p>	<p style="text-align: right;">88</p> <p>1 any voters to law enforcement for potential mail</p> <p>2 ballot impersonation fraud because the ID number on</p> <p>3 their carrier envelope did not match what was in the</p> <p>4 voter registration database?</p> <p>5 A. No.</p> <p>6 Q. Did you make any other referrals for</p> <p>7 potential instances of voter impersonation fraud in</p> <p>8 connection with mail voting?</p> <p>9 A. Voter impersonation fraud?</p> <p>10 Q. Well, let's just say voter fraud in</p> <p>11 connection with -- with mail voting in the 2022</p> <p>12 general, did you make any law enforcement referrals?</p> <p>13 A. With mail voting, no.</p> <p>14 Q. Okay. I believe you discussed with</p> <p>15 Ms. Perales that you think the rate of mail voting</p> <p>16 is down this general election compared to previous</p> <p>17 general elections as a percentage of the overall</p> <p>18 votes cast. Is that right?</p> <p>19 A. That's my memory of it, yes.</p> <p>20 Q. Are you familiar with any communications</p> <p>21 from voters who said they did not plan to vote by</p> <p>22 mail for the general election because of the SB1</p> <p>23 requirements?</p> <p>24 A. Not that I can recall.</p> <p>25 Q. Do you think the number of ABBMs was about</p>
<p style="text-align: right;">87</p> <p>1 notice too late to cure?</p> <p>2 A. Yes.</p> <p>3 Q. Do you believe that category of voters will</p> <p>4 always exist?</p> <p>5 A. Yes.</p> <p>6 Q. In -- in the general election, were there</p> <p>7 any military or overseas voters that you needed to</p> <p>8 contact to cure either an ABBM or mail ballot?</p> <p>9 A. I would assume so, yes.</p> <p>10 Q. Do you know approximately how many?</p> <p>11 A. I don't.</p> <p>12 Q. Do you know how you contacted them?</p> <p>13 A. I would assume the same, either by phone,</p> <p>14 e-mail, or -- or through snail mail.</p> <p>15 Q. Do you know how many were able to cure?</p> <p>16 A. I don't.</p> <p>17 Q. Do you know if there were any for whom, you</p> <p>18 know, given the timing and challenges of being</p> <p>19 overseas it just wasn't possible for them to cure?</p> <p>20 A. I don't.</p> <p>21 Q. Are the means of cure the same for military</p> <p>22 overseas voters as they are for other voters, you</p> <p>23 know, voting by mail?</p> <p>24 A. I believe so. But I'm not sure about that.</p> <p>25 Q. Okay. For the 2022 general, did you refer</p>	<p style="text-align: right;">89</p> <p>1 the same between this year as previous elections?</p> <p>2 A. I just don't recall those -- those numbers.</p> <p>3 We have them, but I just don't know them off the top</p> <p>4 of my head.</p> <p>5 Q. No problem.</p> <p>6 You're an offline county for TEAM</p> <p>7 purposes, right?</p> <p>8 A. Correct.</p> <p>9 Q. And do you still use VEMACS as your vendor?</p> <p>10 A. Yes, we do. VOTEC is the company. VEMACS</p> <p>11 is the -- is the product.</p> <p>12 Q. So VOTEC is the vendor -- VOTEC, excuse</p> <p>13 me. It's V-O-T-E-C, right?</p> <p>14 A. Yes.</p> <p>15 Q. And then VEMACS is the database itself?</p> <p>16 A. Correct.</p> <p>17 Q. Were there any -- strike that.</p> <p>18 Were there any issues communicating data</p> <p>19 between VEMACS and TEAM during the general election</p> <p>20 cycle? So that's from May 25th when the runoff</p> <p>21 ended in 2022 onward.</p> <p>22 MS. HUNKER: Objection; form.</p> <p>23 A. I don't recall when, but there were issues</p> <p>24 of synchronization between VEMACS and TEAM this last</p> <p>25 year. I just don't recall when that was.</p>

EXHIBIT

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Jacquelyn Callanen

February 28, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO)
ENTERO, ET AL.,)

Plaintiffs,)

vs.)

GREGORY W. ABBOTT, ET AL.,)

Defendants.)

Case No. 5:21-CV-844-XR

OCA-GREATER HOUSTON,)
ET AL.,)

Plaintiffs,)

vs.)

JANE NELSON, ET AL.,)

Defendants.)

Case No. 1:21-CV-780-XR

HOUSTON JUSTICE, ET AL.,)

Plaintiffs,)

vs.)

GREGORY WAYNE ABBOTT,)
ET AL.,)

Defendants.)

Case No. 5:21-CV-848-XR

LULAC TEXAS, ET AL.,)

Plaintiffs,)

vs.)

JANE NELSON, ET AL.,)

Defendants.)

Case No. 1:21-CV-0786-XR

MI FAMILIA VOTA, ET AL.,)

Jacquelyn Callanen

February 28, 2023

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<p>1 Plaintiffs,)</p> <p>2))</p> <p>3) Case No. 5:21-CV-0920-XR</p> <p>4))</p> <p>5))</p> <p>6))</p> <p>7))</p> <p>8) Case No. 5:21-CV-1085-XR</p> <p>9))</p> <p>10))</p> <p>11))</p> <p>12))</p> <p>13))</p> <p>14))</p> <p>15))</p> <p>16))</p> <p>17))</p> <p>18))</p> <p>19))</p> <p>20))</p> <p>21))</p> <p>22))</p> <p>23))</p> <p>24))</p> <p>25))</p> <p>*****</p> <p>ORAL AND VIDEOTAPED DEPOSITION OF</p> <p>JACQUELYN CALLANEN</p> <p>FEBRUARY 28, 2023</p> <p>*****</p> <p>THE ORAL AND VIDEOTAPED DEPOSITION of</p> <p>JACQUELYN CALLANEN, produced as a witness at the</p> <p>instance of the Defendant, and duly sworn, was taken</p> <p>in the above styled and numbered cause on Tuesday,</p> <p>the 28th day of February, 2023 from 9:10 a.m. to</p> <p>3:51 p.m., before PAMELA SUE PETERSON, Certified</p> <p>Shorthand Reporter in and for the State of Texas,</p> <p>reported by stenographic and computer-aided</p>	<p>1 APPEARANCES OF COUNSEL:</p> <p>2 For Plaintiff HOUSTON JUSTICE, HOUSTON AREA URBAN</p> <p>3 LEAGUE, DELTA SIGMA BETA SORORITY, INC., THE ARC OF</p> <p>4 TEXAS, MI FAMILIA VOTA, MARLA LOPEZ, MARLIN LOPEZ,</p> <p>5 PAUL RUTLEDGE, JEFFREY LAMAR CLEMENS:</p> <p>6 NAACP LEGAL DEFENSE FUND</p> <p>7 BY: VICTOR GENECEIN, ESQUIRE</p> <p>8 40 Rector Street</p> <p>9 5th floor</p> <p>10 New York, New York 10006</p> <p>11 (929) 388-9246</p> <p>12 vgenecin@naacpldf.org</p> <p>13 For Defendant GREGORY W. ABBOTT AND JANE NELSON, ET</p> <p>14 AL:</p> <p>15 KEN PAXTON, ATTORNEY GENERAL OF TEXAS</p> <p>16 OFFICE OF THE ATTORNEY GENERAL</p> <p>17 BY: DAVID BRYANT, ESQUIRE</p> <p>18 KATHLEEN T. HUNKER, ESQUIRE (Via Zoom</p> <p>19 Videoconference)</p> <p>20 P.O. Box 12548</p> <p>21 Austin, Texas 78711-2548</p> <p>22 (512) 936-2275</p> <p>23 david.bryant@oag.texas.gov</p> <p>24 For Defendant UNITED STATES OF AMERICA:</p> <p>25 U.S. DEPARTMENT OF JUSTICE</p> <p> CIVIL RIGHTS DIVISION</p> <p> BY: DANA PAIKOWSKY, ESQUIRE</p> <p> Robert F. Kennedy Building</p> <p> 950 Pennsylvania Avenue NW</p> <p> Washington, District of Columbia 20530</p> <p> (202) 353-5225</p> <p> dana.paikowsky@usdoj.gov</p>
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<p>1 transcription, at the Office of the Texas Attorney</p> <p>2 General, Weston Centre, 112 East Pecan Street,</p> <p>3 3rd Floor, San Antonio, Texas 78205, pursuant to the</p> <p>4 Federal Rules of Civil Procedure and the provisions</p> <p>5 stated on the record or attached hereto.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES OF COUNSEL (Continued):</p> <p>2 For Witness JACQUELYN F. CALLANEN, CERA:</p> <p>3 JOE D. GONZALES, CRIMINAL DISTRICT ATTORNEY</p> <p>4 OFFICE OF BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY</p> <p>5 BY: LISA V. CUBRIEL, ESQUIRE</p> <p>6 Paul Elizondo Tower</p> <p>7 101 West Nueva</p> <p>8 7th Floor</p> <p>9 San Antonio, Texas 78205-3030</p> <p>10 (210) 335-2142</p> <p>11 lisa.cubriel@bexar.org</p> <p>12 Also Present:</p> <p>13 JACQUELYN F. CALLANEN, CERA</p> <p>14 Witness</p> <p>15 JULIA R. LONGORIA (Via Zoom Videoconference)</p> <p>16 Mexican American Legal Defense and Educational</p> <p>17 Fund, Inc.</p> <p>18 CAROLINE LEBAL (Via Zoom Videoconference)</p> <p>19 NATALIE FELSEN (Via Zoom Videoconference)</p> <p>20 Cooley, LLP</p> <p>21 On behalf of El Paso County Elections</p> <p>22 Administrator Lisa Wise</p> <p>23 MARINA EISNER (Via Zoom Videoconference)</p> <p>24 States United Democracy Center</p> <p>25 LOUIS J. CAPOZZI (Via Zoom Videoconference)</p> <p> Jones Day</p> <p> On behalf of intervenors</p> <p> KEVIN ZHEN (Via Zoom Videoconference)</p> <p> Fried, Frank, Harris, Shriver & Jacobson, LLP</p> <p> On behalf of LUPE Plaintiffs</p> <p> JOSEPHINE RAMIREZ SOLIS (Via Zoom Videoconference)</p> <p> Office of Criminal District Attorney</p> <p> Hidalgo County</p> <p> On behalf of Hidalgo County Elections</p> <p> Administrator</p> <p> GABE HODGE (Via Zoom Videoconference)</p> <p> Observer</p>

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<p style="text-align: right;">Page 10</p> <p>1 SAN ANTONIO, TEXAS, TUESDAY, FEBRUARY 28, 2023</p> <p>2 9:10 A.M.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning. We are</p> <p>5 now on the record. This begins the deposition of</p> <p>6 Jacquelyn Callanen in the matter of La Union</p> <p>7 del Pueblo Entero, et al versus Gregory W. Abbot,</p> <p>8 et al in the United States District Court for the</p> <p>9 Western District of Texas, San Antonio Division,</p> <p>10 Civil Action Number 521CV844XR.</p> <p>11 Today is February 28, 2023, and the time is</p> <p>12 9:10 a.m. This deposition is being taken at</p> <p>13 112 East Pecan at the request of the Defendant. The</p> <p>14 videographer is David Flores and the court reporter</p> <p>15 is Pamela Peterson. We are with Magna Legal</p> <p>16 Services. Will counsel and all parties present state</p> <p>17 their appearances and whom they represent.</p> <p>18 MS. CUBRIEL: Lisa Cubriel on behalf of the</p> <p>19 Bexar County Elections Administrator, Jacquelyn</p> <p>20 Defendant. I'm with the office of the Bexar County</p> <p>21 Criminal District Attorney.</p> <p>22 MS. CALLANEN: I'm Jackie Callanen, Bexar</p> <p>23 County elections administrator.</p> <p>24 MR. BRYANT: My name's David Bryant. I am</p> <p>25 one of the attorneys for the State Defendants in this</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. You understand that you're under</p> <p>2 oath just as if you were in a court of law as you</p> <p>3 testify today?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And I would ask that if at any time I ask</p> <p>6 questions that -- that you don't fully understand,</p> <p>7 will you please ask me to clarify it? And I'll do my</p> <p>8 best to do so.</p> <p>9 A. Thank you.</p> <p>10 Q. Okay. Now, how long have you had your</p> <p>11 current position as Bexar County elections</p> <p>12 administrator?</p> <p>13 A. Since 2005.</p> <p>14 Q. Okay. And in that capacity, did you have</p> <p>15 responsibilities with respect to the general election</p> <p>16 that occurred in November of 2022?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Could you describe generally your</p> <p>19 responsibility for that election.</p> <p>20 A. Again, as the elections administrator for a</p> <p>21 county, we are charged with setting up the elections,</p> <p>22 following the secretary of state's directions,</p> <p>23 calendar, advisories, the Texas election code.</p> <p>24 And what that means on the ground level is,</p> <p>25 actually, our office does the entire election from</p>
<p style="text-align: right;">Page 11</p> <p>1 case, and I'm with the Office of the Attorney General</p> <p>2 of Texas.</p> <p>3 MS. PAIKOWSKY: My name is Dana Paikowsky</p> <p>4 and I represent the United States. I'm with the</p> <p>5 United States Department of Justice.</p> <p>6 MR. GENECHIN: And I'm Victor Genecin and I</p> <p>7 represent Plaintiffs Houston Justice, Houston Area</p> <p>8 Urban League, Delta Sigma Beta Sorority,</p> <p>9 Incorporated, The Arc of Texas, Mi Familia Vota,</p> <p>10 Marla Lopez, Marlin Lopez, Paul Rutledge and Jeffrey</p> <p>11 Lamar Clemens.</p> <p>12</p> <p>13 JACQUELYN CALLANEN,</p> <p>14 having been first duly sworn, testified as follows:</p> <p>15</p> <p>16 EXAMINATION</p> <p>17 BY MR. BRYANT:</p> <p>18 Q. Miss Callanen, I know you're very</p> <p>19 experienced at deposition procedures. You've been</p> <p>20 deposed previously two times in this case alone; is</p> <p>21 that right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And about how many times overall have you</p> <p>24 been deposed?</p> <p>25 A. Probably another four. So, about six.</p>	<p style="text-align: right;">Page 13</p> <p>1 the poll sites, training the election officers, the</p> <p>2 clerks, programming our election. We print our own</p> <p>3 ballots in-house. We contract with the entities. We</p> <p>4 contract with the facilities, contract with</p> <p>5 transportation company to deliver all of the</p> <p>6 equipment, and then we are in charge with tabulation.</p> <p>7 And so, our election does not stop at the</p> <p>8 end of election night. We go through the canvas.</p> <p>9 And so, it's a total package.</p> <p>10 Q. And approximately how many full-time</p> <p>11 employees work under your overall supervision or</p> <p>12 management?</p> <p>13 A. There are 20 of us.</p> <p>14 Q. And on election day, about how many people</p> <p>15 are directly involved in the -- in the operation of</p> <p>16 the -- the poles and the entire mechanism of the</p> <p>17 election in Bexar County?</p> <p>18 A. Approximately 1,200.</p> <p>19 Q. Okay. Now, today you're here as what's</p> <p>20 referred to as a Rule 30(b)(6) witness. Do you have</p> <p>21 an understanding of what that means?</p> <p>22 A. No, sir.</p> <p>23 Q. Generally, as I understand it, you're</p> <p>24 the -- you're the representative of Bexar County --</p> <p>25 A. Oh, okay.</p>

<p style="text-align: right;">Page 54</p> <p>1 percent rejection rate and one percent is -- is not 2 that much. So, it's hard to put a numeric value on 3 that. 4 Q. Okay. Now, earlier in your testimony you 5 described a -- a process, I believe, whereby mail-in 6 voters, especially over-65 voters, make applications 7 annually? 8 A. Yes, sir. 9 Q. Okay. Is -- are the amount of the annual 10 applications increasing in Bexar County, say from 11 23 -- 2023 as compared to 2022? 12 A. No. 13 Q. How -- how are -- is that number moving 14 over time? 15 MS. CUBRIEL: I'm going to object to -- 16 Q. BY MR. BRYANT: The number of annual 17 applications that you receive in Bexar County -- 18 MS. CUBRIEL: I'm going to object. 19 Q. BY MR. BRYANT: -- for mail-in voters? 20 MS. CUBRIEL: I'm sorry. I'm going to 21 object because I think you're going beyond the scope 22 of the amended scheduling order, getting too far away 23 from asking her about matters related specifically to 24 the general election that just passed. 25 MR. BRYANT: You can answer --</p>	<p style="text-align: right;">Page 56</p> <p>1 just -- I can't give you a -- I can't give you a 2 definite answer because there's too many variables. 3 Q. Thank you. Another subject. You had 4 mentioned earlier in your testimony some inserts that 5 were done. Could you describe more fully for 6 somebody who doesn't understand that what Bexar 7 County did -- 8 A. Right. 9 Q. -- in 2022 with respect to inserts. 10 A. I'm going to scream if I didn't -- here 11 they are. We -- this went through many iterations of 12 planning. When SB-1 was rolled out, the secretary of 13 state wrote an insert for the ballots for us to 14 include in all of the ballots. But it was a complete 15 eight-and-a-half by 11 page with a lot of legalese on 16 it, and in the form, and the voters just didn't read 17 it. They just -- I mean, when you sending them 18 stuff, they're looking for their ballot. They just 19 didn't read it. 20 So, when we had our, like I said, 21 unacceptable high rejection rate, we said, huh-uh, 22 can't do that. So, we said we're going to start with 23 this. And this has gone through, like, three 24 iterations of it. We -- we -- we did -- first, we 25 did one in black and white, and that didn't jump out</p>
<p style="text-align: right;">Page 55</p> <p>1 MS. CUBRIEL: You can answer if you know. 2 Q. BY MR. BRYANT: You can answer unless she 3 instructs you not to. 4 A. What came -- what came to mind from your -- 5 from your question is, the annual applications. We 6 have State-prescribed annual applications. But in 7 the difference of -- and -- and I know we talked 8 about it before, that we refer to it as a last like 9 election. So, if I compare the '18 to '22, the by 10 mail and then the presidential elections are much 11 higher. 12 But please understand that candidates, 13 candidates hire consultants and consultants handle 14 their by mail. And so, the consultants have all 15 become very astute at making their mail ballot 16 applications annual applications. 17 And so, we see a huge influx of annual 18 applications in a presidential year. We see a lot. 19 Then, like I said, a third of them will come in on 20 the governors, the -- the other general. This year, 21 which is the odd year and it's just municipal 22 elections, they're almost nonexistent. 23 I mean, as -- as I -- as I came over today, 24 I looked, we have 854 in with an election coming up 25 next May 6th. So, it -- it -- that's things that</p>	<p style="text-align: right;">Page 57</p> <p>1 at them. And then we did one that had duller -- 2 duller colors on it, and that didn't jump out at 3 them. We did it in -- in May. 4 And by November, we had passed this around 5 to everybody and said, you know, is this going to 6 jump out at them? And -- and then what we did 7 specifically, and this is sort of a catch-22 because 8 I'm really proud of it, but part of me says, this was 9 evil Jackie, because we specifically made it small 10 and a quarter sheet so when they pulled all their 11 stuff out of the envelope, this would hopefully fall 12 on the floor so that they had to see it. And -- 13 Q. You tried -- 14 A. -- and -- 15 Q. You tried to make it as attention-getting 16 as possible? 17 A. Exactly. Exactly. And we got to a 1.7 18 rejection rate. 19 Q. Okay. Now -- 20 MR. GENECHIN: David, I don't want to 21 interrupt the witness, but I would like to request 22 that you mark the document that Miss Callanen has 23 brought as an exhibit. 24 MR. BRYANT: I'll be -- be happy to do 25 that.</p>

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<p style="text-align: right;">Page 62</p> <p>1 sites. We -- we were -- we just sort of threw 2 everything at it that we could because it was just so 3 important. 4 Q. Okay. You were describing some media 5 outreach and voter education efforts that occurred in 6 connection with the November 2022 general election; 7 is that right? 8 A. Yes, sir. 9 Q. Were those efforts that were made 10 specifically in and by Bexar County or were they a 11 broader effort, or both? 12 A. We, the election's office, had our own 13 outreach. But again, members of my commissioner's 14 court entered into it and they did their own outreach 15 for it also, separate and apart from the elections 16 office. 17 Q. Okay. Could you describe as -- as much as 18 you recall, the media outreach that was done to 19 educate voters about mail-in balloting in connection 20 with the November 2022 general election process in 21 Bexar County. 22 A. Sure. I mean, we -- we did press 23 conferences twice a week. We did, again, outreach 24 everywhere we went, every -- every presentation we 25 put on, every meeting we went to. We worked with the</p>	<p style="text-align: right;">Page 64</p> <p>1 time for a break? 2 MR. BRYANT: Certainly. Let's take a 3 break. 4 THE VIDEOGRAPHER: Time is 10:21. 5 Correction, 10:28 a.m. and we are off the record. 6 (A brief recess was taken.) 7 THE VIDEOGRAPHER: Time is 10:38 a.m. and 8 we are on the record. 9 Q. BY MR. BRYANT: Miss Callanen, you were 10 testifying before the break about outreach and voter 11 education efforts that were made in connection with 12 the November 2022 general election. And it sounded 13 to me as if those were fairly extensive and ramped up 14 from previous elections; is that correct? 15 A. Yes, sir. Yes, sir. 16 Q. Do you anticipate looking forward that 17 it'll be necessary to continue to increase and 18 increase the level of effort and expense that Bexar 19 County does on -- on voter education and outreach? 20 Or do you believe that over time the need to do that 21 will level off or decline as people understand better 22 the -- the procedures? 23 MS. PAIKOWSKY: Objection; form. 24 THE WITNESS: I -- I understand your 25 question. I -- again, this is an odd number year, so</p>
<p style="text-align: right;">Page 63</p> <p>1 AARP. We worked with Oasis. We -- we did outreach 2 with the organizations that -- that go to the senior 3 citizens to -- to try and -- we worked very heavily 4 with the disability community. In fact, we're still 5 working with the disability community at this time. 6 So, we -- we -- we just tried to do as much as we 7 could. 8 Q. And during what period of time were those 9 efforts undertaken with respect to the November 2022 10 general election process? 11 A. They started the middle of September 12 through Novem- -- November. Because, again, the 13 middle of September is basically, again, for us is 14 when that's the go button, because we all have to 15 abide by the MOVE Act, which is the federal military 16 MOVE Act, and that's always 45 days before an 17 election. So, once our ballots go out, it's -- 18 somebody's hit the go button. 19 Q. Did Bexar County comply with that 45-day 20 requirement in connection with the general 21 election -- 22 A. Absolutely. 23 Q. -- in 2022? 24 A. Absolutely. 25 MR. GENECHIN: David, would this be a good</p>	<p style="text-align: right;">Page 65</p> <p>1 we will have so many less people. And I think we 2 will have to duplicate our media outreach for 2024. 3 Because, again, you keep hearing me say we had 40,000 4 now and 124,000. So that, to me, is there's another 5 80,000 that have not used the new method. 6 So, we're going to stay attuned to that and 7 stay focused on that. So, I expect that when we get 8 to the 2024 we'll duplicate what we've done. 9 Q. BY MR. BRYANT: Okay. Do you have any 10 expectations on that subject beyond 2024? 11 A. No, sir. 12 Q. Okay. You testified earlier about efforts 13 that your office makes to contact people whose 14 mail-in ballots have initially been rejected. And I 15 believe you indicated that sometimes that's by 16 e-mail, sometimes that's by phone. 17 Could you describe the extent and 18 regularity of those efforts that were undertaken in 19 connection with the November 2022 general election. 20 A. Yes, sir. Well, in SB-1 it opened up the 21 door for us to be able to have outreach so that they 22 could cure their -- their ballots, that's the phrase 23 we use, they could cure their ballots. And they 24 opened up the avenue of the phone and by e-mail as 25 opposed to sending them the hard copy reject and</p>

<p style="text-align: right;">Page 82</p> <p>1 THE WITNESS: Okay. Well, the -- the</p> <p>2 visually impaired had filed a lawsuit asking for the</p> <p>3 same accommodations that we have with the military.</p> <p>4 We have a very robust military vote -- voting</p> <p>5 population. And the federal government permits us to</p> <p>6 e-mail their ballots to them. And if they're in a</p> <p>7 hostile fire zone, they may e-mail them back.</p> <p>8 And the visually impaired have petitioned</p> <p>9 the district court to allow us to e-mail ballots to</p> <p>10 them so that in the comfort of their home, they can</p> <p>11 use their own screen scrapers or sip-and-puffs,</p> <p>12 whatever they would need, to be able to mark their</p> <p>13 ballot to have it as a fillable PDF, and then it</p> <p>14 could be printed off and so they could actually be</p> <p>15 voting in private without any assistance.</p> <p>16 And my understanding is, due to the</p> <p>17 timeliness, the judge chose three of those people out</p> <p>18 of that organization for us to e-mail them their</p> <p>19 ballots, and so we did this. We -- we had their</p> <p>20 names and we e-mailed their ballots to them as a</p> <p>21 pilot.</p> <p>22 It was not a hundred percent success. The</p> <p>23 screen scrapers -- my understanding, the screen</p> <p>24 scrapers work with one type of PDF, but the fillable</p> <p>25 PDF is -- is another. So, we went back after the</p>	<p style="text-align: right;">Page 84</p> <p>1 with the general election in 2022?</p> <p>2 A. Yes, sir.</p> <p>3 Q. You mentioned the military voters. Were</p> <p>4 there any military voters whose votes were rejected</p> <p>5 in connection with the 2022 general election by</p> <p>6 Bexar County?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Could you describe what occurred in that</p> <p>9 regard.</p> <p>10 A. Again, to my -- to my knowledge, and I do</p> <p>11 not have a number, with the military ballots, they</p> <p>12 are required to put a -- it's called a signature</p> <p>13 sheet and -- and they must sign it with a wet</p> <p>14 signature and -- and enclose it with their ballot.</p> <p>15 So that -- again, we don't know how far that ballot's</p> <p>16 coming, so there's no signature on the outside again.</p> <p>17 And so, they -- they have the opportunity</p> <p>18 to insert it inside. And the organization, the early</p> <p>19 ballot board, when they open that ballot, if that</p> <p>20 signature sheet is not in there, then they reject</p> <p>21 that ballot. And so, there were some that did not</p> <p>22 have the signature sheet in it. I don't know how</p> <p>23 many.</p> <p>24 Q. In those instances, was there an effort</p> <p>25 made to cure or otherwise allow those military voters</p>
<p style="text-align: right;">Page 83</p> <p>1 election, they did successfully vote. They e-mailed</p> <p>2 their ballots. They printed them. They mailed them</p> <p>3 back to us. And so they did, in fact, vote.</p> <p>4 But the judge has, I don't want to say -- I</p> <p>5 use the phrase, kicked the can down the road until</p> <p>6 March to come back and reevaluate where this will go,</p> <p>7 but then knowing that that will be too late for us to</p> <p>8 institute it for May.</p> <p>9 Q. BY MR. BRYANT: All right. Were there any</p> <p>10 other instances in which the accommodations were</p> <p>11 requested for persons with disabilities in connection</p> <p>12 with the 2022 general election in Bexar County beyond</p> <p>13 what you've already testified about?</p> <p>14 A. No. I mean, we -- we have -- I think we</p> <p>15 talked about it, sir, earlier about the curbside</p> <p>16 voting. And we --</p> <p>17 Q. Yes, ma'am.</p> <p>18 A. -- we have units, like big tablets that --</p> <p>19 that they vote on in their car and -- and again,</p> <p>20 that's a very, very readily accessible, very, very</p> <p>21 well-promoted and very, very well-attended part of</p> <p>22 our voters.</p> <p>23 Q. Okay. To the best of your knowledge, did</p> <p>24 Bexar County comply with the provisions of SB-1</p> <p>25 relating to accommodations for voters in connection</p>	<p style="text-align: right;">Page 85</p> <p>1 to vote?</p> <p>2 A. Yes. Again, that group was able to e-mail</p> <p>3 them, to send in a signature sheet.</p> <p>4 Q. And to what extent was that done?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. Do you know whether there were any</p> <p>7 military voters who ultimately were unable to cast</p> <p>8 their ballot in Bexar County in connection with the</p> <p>9 2022 general election?</p> <p>10 A. I know there were some rejected.</p> <p>11 Q. Okay. And not cured?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. There's technology, I understand,</p> <p>14 that is used in connection with mail-in ballots</p> <p>15 that's referred to as Votracker [sic]. Are you</p> <p>16 familiar with that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Did the Votracker [sic] -- Votracker [sic]</p> <p>19 technology work properly with respect to Bexar County</p> <p>20 voters in the -- connection with the general election</p> <p>21 in 2022, to the best of your knowledge?</p> <p>22 A. Our local ballot tracker worked.</p> <p>23 Q. Did Bexar County synch, S-Y-N-C-H --</p> <p>24 A. You got it.</p> <p>25 Q. -- its system with TEAM's in the last half</p>

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<p style="text-align: right;">Page 110</p> <p>1 In the 2022 November general election, did</p> <p>2 the ABBM forms that Bexar County used include the</p> <p>3 and/or language with respect to IDs, the -- the SB-1</p> <p>4 ID provision?</p> <p>5 A. From the State, the new ones that we had to</p> <p>6 get --</p> <p>7 Q. Uh-huh.</p> <p>8 A. -- yes.</p> <p>9 Q. In the 2022 November general election, did</p> <p>10 you -- do you believe voters were confused by that</p> <p>11 language?</p> <p>12 A. Oh, absolutely.</p> <p>13 Q. In the November 2022 general election, did</p> <p>14 Bexar County's carrier envelopes include the and/or</p> <p>15 language from SB-1's mail ballot ID provision as</p> <p>16 well?</p> <p>17 A. Yes. It was from the secretary of state.</p> <p>18 We used exactly what they sent us.</p> <p>19 Q. In the November 2022 general election, were</p> <p>20 voters confused by that and/or language?</p> <p>21 A. I'm sure they were.</p> <p>22 MR. BRYANT: Objection to form.</p> <p>23 MR. GENECHIN: Calls for speculation.</p> <p>24 Q. BY MS. PAIKOWSKY: So, I'm going to</p> <p>25 backtrack a little bit. Again, to voter education</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Well, again, this -- this one cost more</p> <p>2 because we had to pay for the insert, you know,</p> <p>3 numerous times. So, we had them, you know, put away</p> <p>4 the first version, put away the second version. And,</p> <p>5 you know, I mean at that, we're -- we're just talking</p> <p>6 a couple thousand dollars to have -- to have sheets</p> <p>7 printed and -- and cut.</p> <p>8 And then, again, other than, as I said,</p> <p>9 when we sent all of our remaining stock back to our</p> <p>10 printer to have those redacted, you know, we had a</p> <p>11 bill from them.</p> <p>12 Q. Were there any other resources that your</p> <p>13 office devoted to voter education efforts related to</p> <p>14 the ID provision, the ballot ID provision, in the</p> <p>15 2022 general election?</p> <p>16 A. No.</p> <p>17 Q. In the November 2022 general election, did</p> <p>18 your office expend any resources to educate your</p> <p>19 employees about implementing the ID provision of</p> <p>20 Senate Bill 1?</p> <p>21 A. Okay. I mean, we had in-house training. I</p> <p>22 don't know if that counts as expending, but we had</p> <p>23 numerous in-house trainings. We have -- when we deal</p> <p>24 with our election officials for their training and</p> <p>25 for their -- when we trained all of our judges and</p>
<p style="text-align: right;">Page 111</p> <p>1 efforts, which I want to specify include things like</p> <p>2 creating the ballot insert and -- and everything</p> <p>3 you've discussed previously. How much money did</p> <p>4 Bexar County spend on voter education efforts you</p> <p>5 described?</p> <p>6 A. Out of the election -- my budget. The</p> <p>7 general fund budget. We spent -- I spent \$40,000</p> <p>8 which was, you know, minimal. But that was all</p> <p>9 towards the voter education part. I spoke previously</p> <p>10 about two commissioners on the -- on the court that</p> <p>11 got involved and they set a budget of 200,000 that</p> <p>12 they spent.</p> <p>13 Q. How do those numbers, the 40,000 and</p> <p>14 200,000, compare to like elections?</p> <p>15 A. Again, prior to that, the court was not</p> <p>16 involved. And when it's a like election, thank you,</p> <p>17 we have and I do have a media person that comes on</p> <p>18 that manages social media, setting up the -- the</p> <p>19 media, you know, press conferences and all of that.</p> <p>20 So, that has stayed the same for, like, the last</p> <p>21 10 years.</p> <p>22 Q. As compared to the November 2022 general</p> <p>23 election and the amount of money the county expended</p> <p>24 on voter education, was it more or less than in -- or</p> <p>25 the same as in other like elections?</p>	<p style="text-align: right;">Page 113</p> <p>1 all of our workers, the early voting -- our early</p> <p>2 voting crews, not necessarily did we train them for</p> <p>3 early bal- -- for the ballot -- mail ballot.</p> <p>4 But we had to bring them up and give them</p> <p>5 the knowledge of it because voters were going to be</p> <p>6 coming in. So, you know, did -- it was minimal what</p> <p>7 we expended, but we made sure that they all had</p> <p>8 copies of the insert, that they had copies of this</p> <p>9 carrier envelope if they saw exactly what was needed</p> <p>10 so that if somebody came in and asked, or was</p> <p>11 starting to carry on a conversation with them, that</p> <p>12 they wouldn't feel like, what are they talking about.</p> <p>13 And so, every time we had a training</p> <p>14 session we entered into that. But again, I don't</p> <p>15 know how to quantify that.</p> <p>16 Q. From your experience in the November 2022</p> <p>17 general election, do you anticipate continuing with</p> <p>18 the same efforts you've already described?</p> <p>19 A. Yes.</p> <p>20 Q. I'm going to switch gears a little bit and</p> <p>21 ask you about mail ballot processing and absentee</p> <p>22 ballot -- ABBM processing. So, for the November 2022</p> <p>23 general election, did your office hire employees or</p> <p>24 contractors in order to facilitate, support or assist</p> <p>25 with mail voting and the implementation of</p>

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<p style="text-align: right;">Page 114</p> <p>1 Senate Bill 1's identification requirements?</p> <p>2 A. Absolutely. But let me, please, speak to</p> <p>3 that. I think when David asked me earlier on in the</p> <p>4 day, I mean, my staff is 20 in number. And so, we</p> <p>5 have a fantastic mail -- we call them the mail room</p> <p>6 people who are full-time temps that -- now -- I don't</p> <p>7 want -- permanent temps, because they'll come and</p> <p>8 work with us through an election and then they go</p> <p>9 away and they'll come back and work.</p> <p>10 And so, we have two strong leads, one from</p> <p>11 each party. They are full-time temps and they manage</p> <p>12 that, and then we bring in temps for them. Again, we</p> <p>13 bring in temps to answer phones. I mean, we bring in</p> <p>14 temps to handle that work flow.</p> <p>15 As you heard me say before, every piece of</p> <p>16 paper that comes in our office is scanned, and it's</p> <p>17 scanned into that database. And so, yes, we -- we do</p> <p>18 bring in -- we bring in tons of temps. We couldn't</p> <p>19 do it without our faithful temps.</p> <p>20 Q. Was the staffing needs of the November 2022</p> <p>21 general election -- actually, withdrawn.</p> <p>22 You mentioned that your office hires</p> <p>23 temporary staff around election time.</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. Were your staffing needs greater for the</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Were the staffing needs for the</p> <p>2 November 2022 general election, with respect to</p> <p>3 hiring temporary staff or additional workers, greater</p> <p>4 than like elections, with respect to processing</p> <p>5 ABBMs?</p> <p>6 A. We probably added one -- one or two more.</p> <p>7 Because with SB-1, the -- the usual -- or the</p> <p>8 routine, I guess is the word I'm looking for, prior</p> <p>9 to SB-1, you know, they would scan it, they would</p> <p>10 look at it. Was -- you know, was it all correctly</p> <p>11 filled out. Did it have a precinct number. Was it</p> <p>12 signed. And then it would be like, okay, accept it</p> <p>13 and it would go into the cyber space so that we,</p> <p>14 then, would be able to print a ballot for it.</p> <p>15 But with SB-1, that process took longer.</p> <p>16 Because now, not only would they scan it in put it</p> <p>17 in, yes, do you have -- this is the name. This is</p> <p>18 the signature. That's the address we have. This is</p> <p>19 the precinct.</p> <p>20 Now they had to stop and look at the TDL or</p> <p>21 the SSN and bring up the voter registration card that</p> <p>22 we had scanned to make sure that we had that number</p> <p>23 there. And so, not only -- how do I say this because</p> <p>24 I'm -- I'm not technical. Please understand me.</p> <p>25 But in the past when we had these people</p>
<p style="text-align: right;">Page 115</p> <p>1 November 2022 general election with respect to</p> <p>2 staffing or processing mail ballots and implementing</p> <p>3 Senate Bill 1 than they had been in like elections</p> <p>4 for mail voting needs?</p> <p>5 A. Yes.</p> <p>6 Q. Why was that?</p> <p>7 A. Again, because of the additional -- that</p> <p>8 perforated flap that -- that I was speaking of. In</p> <p>9 March, in the -- in the primaries, we didn't have the</p> <p>10 ability or didn't understand that SB-1 allowed us to</p> <p>11 take that flap down.</p> <p>12 And so, when we turned over the early</p> <p>13 ballot board and, you know, took -- but as we got</p> <p>14 into this, we understood that we could facilitate</p> <p>15 things by taking just one of -- we were allowed to</p> <p>16 take, like, the top perf down so that it fell down</p> <p>17 but it wasn't completely removed and very</p> <p>18 time-consuming because that had to be a one-by-one</p> <p>19 person with a letter opener. I mean -- and so, yes,</p> <p>20 we did have additional temps brought on board in</p> <p>21 November of 2022.</p> <p>22 Q. Do you bring in temp -- temporary staff or</p> <p>23 additional hiring to assist with the processing of</p> <p>24 ABBMs as well?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 doing this, they had one computer and one screen.</p> <p>2 But to facilitate the voter registration, we now gave</p> <p>3 them a second screen so that they could -- does that</p> <p>4 make sense? Do you understand? Okay. That's -- and</p> <p>5 so, yes, it took longer. And so, yes, we had to get</p> <p>6 more temps.</p> <p>7 Q. For the additional staffing that your</p> <p>8 office had to hire during the 2022 general election</p> <p>9 to assist with mail ballot and ABBM processing,</p> <p>10 approximately how much did that cost?</p> <p>11 A. I actually barely know that number. It</p> <p>12 costs us about \$218,000.</p> <p>13 Q. Is \$218,000 an unusual -- unusually high</p> <p>14 expense for temporary staff and additional workers as</p> <p>15 compared to like elections?</p> <p>16 A. For this one, yes, it was. It got my</p> <p>17 attention.</p> <p>18 Q. Given your experience in the November 2022</p> <p>19 general election, do you anticipate your needs to</p> <p>20 hire temporary staff and additional employees to</p> <p>21 process mail ballots will remain higher in the future</p> <p>22 than it has been in the past?</p> <p>23 A. Yes.</p> <p>24 Q. Where does the money come from -- or excuse</p> <p>25 me. Withdrawn.</p>

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Pages 118 to 121

<p style="text-align: right;">Page 118</p> <p>1 In the November 2022 general election, 2 where did your office get the money to hire these 3 additional employees? 4 A. From the general fund. From Bexar County's 5 general fund, my office budget. 6 Q. What impact, if any, did the county's 7 funding of these additional staff members have on the 8 budgets of your other programs? 9 A. In the long run, I would say it had 10 none because the county judge was very specific in 11 addressing the fact that we -- we were to be granted 12 whatever we needed for getting this done because he 13 was very, very understanding. 14 Q. What impact, if any, did the county's 15 funding of your additional program have on other 16 programs or county initiatives? 17 A. Again, I wouldn't know that. 18 Q. Do you believe that there is anything 19 further your office could do beyond what it did in 20 November 2022 to bring down rejection rates further? 21 Excuse me. Withdrawn. 22 Do you believe that there's anything your 23 office could do beyond what it did in November -- in 24 the November 2022 general election to bring down 25 rejection rates further because people were unable to</p>	<p style="text-align: right;">Page 120</p> <p>1 And as I said, just to meet with 2 counterparts, there's got to be smarter and better 3 ideas out there as we ramp up to '24, because that's 4 where we'll see people who have not done this before, 5 and we'll have to go back into a major push. 6 Q. From your experiences implementing SB-1's 7 Senate -- ID provision in the November 2022 election, 8 do you believe you will ever be able to get the 9 rejection rate to zero? 10 A. No. 11 Q. Why not? 12 A. Human nature. Human nature. There -- 13 there's somebody that just is sure that they've done 14 everything and filled it out correctly and haven't 15 signed it. I mean, we -- we get -- we get ballots 16 where on the outside it's -- it's -- it's perfect. 17 The numbers are there. The signatures are there, but 18 then when they open it -- when it goes to the early 19 ballot board and they open it, there's no ballot in 20 it. They forgot to put the ballot in. I mean, I -- 21 I'm sorry, that's our -- that's the reality we live 22 in. 23 Q. To your knowledge, in the November 2022 24 general election, were any eligible voters prevented 25 from voting because of Senate Bill 1's ID provisions?</p>
<p style="text-align: right;">Page 119</p> <p>1 comply with the ID provisions in Senate Bill 1? 2 A. I foresee us doing exactly what we've been 3 doing, from the inserts, to the media, to whatever. 4 Q. Is there anything additional you believe 5 you could do? 6 A. That's a tough -- that's a tough question. 7 I -- I hope and I pray that some of my smarter 8 counterparts have developed things like this, and 9 that when we get together we share and that we can 10 assist from different -- I'm hoping someone has 11 looked at it from a different angle and helps do 12 that. 13 But again, like, we had our 40,000 people 14 vote by mail or applications, and when we look back, 15 that's basically the same pool that we had vote in 16 2018. And so, then they are already educated and 17 they -- they understand this. 18 And I think, again, for this May election, 19 our upcoming election and for November, we'll have a 20 much smaller turnout. And so, it will be our heart 21 and true, it's going to be the core of our -- our 22 voters. And I think through this year they -- they 23 get it. They get it, because they lived through 24 March of last year and -- and November. And so, I 25 see us doing the exact same thing this year.</p>	<p style="text-align: right;">Page 121</p> <p>1 A. I would say, no, with a little bit of a 2 reservation. One of the difficulties that we had 3 with the curing process was, we -- we -- they'd send 4 it back, they'd notify them and they could, then, 5 hand-deliver their ballot back to our office; okay? 6 And so, they would bring the ballot back to 7 us. And they can bring that ballot back on election 8 day. So, in the morning -- and, again, I don't want 9 to ramble, but in -- in the morning the first couple 10 ones that came in, we would have a husband come in 11 and he would have the two ballots. He would have his 12 and his wife's. Well, we could only accept his. We 13 could not accept his wife's because they had to 14 hand -- hand-deliver it, show their photo ID, sign it 15 in. 16 And the gentlemen -- the first couple, they 17 were angry, as -- as they should be, as they should 18 have been. And so, those few in the morning, that -- 19 that wife, spouse, her ballot was not turned in. And 20 you know, we explained, go ahead and vote in person. 21 Okay. 22 So, did they? I don't know. But I know 23 by, like, 10:00 that morning it was becoming obvious 24 that this was a problem. And so, we're really 25 blessed because right across the street from --</p>

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<p style="text-align: right;">Page 122</p> <p>1 across the freeway from us is our post office.</p> <p>2 So, I mean, I literally got money out of my</p> <p>3 wallet and had a staff member run over there and buy</p> <p>4 books of stamps so that if this happened again and</p> <p>5 again, which it did, we were giving them -- you know,</p> <p>6 probably shouldn't tell people this, but we were</p> <p>7 giving them a stamp to put on that ballot and take it</p> <p>8 directly across the street and mail it and make sure</p> <p>9 it was time stamped.</p> <p>10 Because, again, our legislation has said if</p> <p>11 the ballot is date stamped by 7 o'clock on election</p> <p>12 day it can be delivered the next day. And so, that</p> <p>13 was, like, an on-the-fly, we did it. We -- we</p> <p>14 managed to do that. But I can't account for those</p> <p>15 first hours. So, I hope that makes sense to you.</p> <p>16 Q. Is it possible that in the 2022 general</p> <p>17 election some eligible voters were prevented from</p> <p>18 voting because they were not able to cure ballot</p> <p>19 defects that arose under Senate Bill 1's ID</p> <p>20 provisions?</p> <p>21 A. I'm sure. Excuse me.</p> <p>22 Q. Okay. So, I'm going to ask you a couple of</p> <p>23 process questions. And I think the point of these</p> <p>24 questions is to ascertain if anything has changed</p> <p>25 since the last time you were deposed.</p>	<p style="text-align: right;">Page 124</p> <p>1 had -- we jokingly said we had the 18 by November,</p> <p>2 because they knew how to look for it and what to look</p> <p>3 for. And so, from that standpoint, it -- it did</p> <p>4 cycle down.</p> <p>5 Q. In your previous testimony, you mentioned</p> <p>6 when a ballot, or ABBM comes in, a staffer who</p> <p>7 receives it would often type in the first name or a</p> <p>8 date of birth in order to pull up the record and</p> <p>9 identify the voter. Is that still your process?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Earlier you testified that your office does</p> <p>12 not make phone calls or send e-mails to cure ballot</p> <p>13 defects for ID -- ID ballot defects.</p> <p>14 A. Correct.</p> <p>15 Q. Does your office use phone calls or e-mails</p> <p>16 to notify people of issues with their ABBMs failure</p> <p>17 to comply with SP-1's identification provision?</p> <p>18 A. Yes, ma'am. Yes, ma'am. If -- if they've</p> <p>19 given us that information.</p> <p>20 Q. How long has your office -- excuse me. Has</p> <p>21 your -- withdrawn.</p> <p>22 Has your office changed its process for</p> <p>23 notifying voters about ID issues with their ABBMs</p> <p>24 since the March primary?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 123</p> <p>1 So, since the November 2022 election, has</p> <p>2 anything changed about the way your office processes</p> <p>3 incoming ABBMs with respect to the voter ID</p> <p>4 provision?</p> <p>5 A. No.</p> <p>6 Q. Similarly, has anything changed in your</p> <p>7 office with respect to the process by which you</p> <p>8 receive and intake a ballot to determine compliance</p> <p>9 with SB-1's mail identification provision in the</p> <p>10 November 2022 election?</p> <p>11 A. Well, we haven't had an election since</p> <p>12 November 2022, so we haven't brought any in, but we</p> <p>13 brought the ABBMs in, and we're doing the -- you</p> <p>14 know, the same thing, the same processing, the two</p> <p>15 screens, making sure we have the numbers. But I'm</p> <p>16 sorry, I can't go to the ballots.</p> <p>17 Q. No. I -- I got turned around. So, since</p> <p>18 the March primaries, has anything changed about the</p> <p>19 way your office receives and processes ballots to</p> <p>20 determine compliance with SB-1's mail identification</p> <p>21 provisions?</p> <p>22 A. Sure. I mean, very proudly say, you know,</p> <p>23 we've actually gotten into the rhythm. We -- we've</p> <p>24 gotten so that, as far as the temps and training,</p> <p>25 it's gone a lot smoother. So, I mean, we -- we</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. Okay. I am going to show you a document</p> <p>2 which, I believe --</p> <p>3 MS. PAIKOWSKY: Are we on JCS3 3; is that</p> <p>4 right?</p> <p>5 MR. BRYANT: 3, 3?</p> <p>6 MS. PAIKOWSKY: So, you had done -- you had</p> <p>7 done two exhibits. One was marked JCS1 -- one was</p> <p>8 marked JCS2 and the other one was 13.</p> <p>9 THE WITNESS: That was from --</p> <p>10 MR. BRYANT: And I also -- I also added 9.</p> <p>11 MS. PAIKOWSKY: And you added 9.</p> <p>12 MR. BRYANT: But I believe that the -- I</p> <p>13 assume you're trying to keep the -- not duplicate</p> <p>14 exhibit --</p> <p>15 MS. PAIKOWSKY: Yeah, numbers. Should I</p> <p>16 just start --</p> <p>17 MR. BRYANT: -- numbers. And I believe the</p> <p>18 last one that I have marked is 13.</p> <p>19 MS. PAIKOWSKY: 13.</p> <p>20 MR. BRYANT: So, if you start with -- yours</p> <p>21 with 14, we ought to be okay.</p> <p>22 (Exhibit 14 was marked.)</p> <p>23 MS. PAIKOWSKY: All right. So, we're going</p> <p>24 to call this JCS3, 14. There you go.</p> <p>25 THE WITNESS: Thank you, ma'am.</p>

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<p style="text-align: right;">Page 126</p> <p>1 MS. PAIKOWSKY: I have copies for you both, 2 and a copy for you as well. 3 MS. CUBRIEL: Thank you. 4 Q. BY MS. PAIKOWSKY: Okay. Do you recognize 5 this document? 6 A. Yes, ma'am. 7 Q. So, I will represent that this document is 8 well over a thousand pages long, so what we have here 9 is an excerpt. It is the first page and the 840th 10 page. Can you explain to me what this document is. 11 A. Sure. This is a list -- well, by code of 12 the people who requested a mail ballot app- -- a mail 13 ballot from May 25th, which was after the primary 14 runoff until 10/28, which was the deadline for 15 accepting applications for the November 2022 16 election. 17 Q. Can I have you look at the fourth name from 18 the bottom. 19 A. On what page? 20 Q. On the -- on page 840 of -- again, this is 21 Exhibit JCS3 14. 22 A. I'm going to go to George Rigley? 23 Q. Yes. 24 A. Yes. 25 Q. Okay. And can you explain to me what V3</p>	<p style="text-align: right;">Page 128</p> <p>1 Since the March primary, has your office 2 ever referred a voter whose ABBM or carrier envelope 3 did not match their TEAM record, or their ID did not 4 match, to the office of the secretary of state as a 5 potential case for voter fraud? 6 A. No. 7 Q. Has your office ever made a similar 8 referral to the AG's office? 9 A. For this year? 10 Q. Correct. For the reason -- 11 A. Right. Yeah. 12 Q. Have you ever referred -- withdrawn. 13 Has your office ever referred a voter 14 because their ID number on their ABBM or carrier 15 envelope did not match their TEAM record to the AG's 16 office as a potential case of voter fraud? 17 A. No. 18 Q. Has your office ever referred a voter 19 who -- whose ID number on their ABBM or carrier 20 envelope did not match their TEAM record to the 21 county DA's office as a potential case of voter 22 fraud? 23 A. No. 24 Q. Why not? 25 A. Because you -- usually when we see that,</p>
<p style="text-align: right;">Page 127</p> <p>1 status means? 2 A. Huh-uh. I'm sorry. V3? No, I don't have 3 the list of codes with me. I'm sorry. 4 Q. That's okay. 5 A. No, it's not. I apologize. I feel badly. 6 Q. Yeah, we can -- we can perhaps leave a 7 space in the transcript, and if you want to provide 8 that information -- 9 A. Okay. Cool. 10 Q. -- on the back end; is that okay? 11 A. Uh-huh. 12 MR. BRYANT: Yeah. 13 MS. PAIKOWSKY: Wonderful. Okay. 14 INFORMATION REQUESTED: _____ 15 _____ 16 MS. CUBRIEL: Can we go off -- go off the 17 record real quick? 18 THE VIDEOGRAPHER: The time is 12:57 p.m. 19 and we are off the record. 20 (Off-the-record discussion.) 21 THE VIDEOGRAPHER: The time is 12:59 p.m. 22 and we are on the record. 23 Q. BY MS. PAIKOWSKY: Okay. Has your office 24 ever referred a voter whose ABBM or carrier envelope 25 did not match -- actually, withdrawn.</p>	<p style="text-align: right;">Page 129</p> <p>1 when -- when we see that, it's -- it's usually a 2 human error where either the voter, as they were 3 putting it down, transposed two numbers. Or as we 4 say, as the processor entering it, fat-fingered it 5 and -- and put in a different number. 6 So, I mean, they get a second look if they 7 don't, and that's where we catch the -- the human 8 error. 9 Q. Did your office make any referrals for any 10 other instances of potential voter fraud to any of 11 the groups mentioned: the secretary of state, the 12 attorney general or county DA or any other law 13 enforcement during the November 2022 general 14 election? 15 A. No. 16 Q. Sound of silence, crossing out questions. 17 So, hopefully that's a good thing. 18 So based on your experiences in the 19 November 2022 general election, do you have concerns 20 about implementing SB-1's identification provisions 21 during a presidential cycle? 22 A. Yes. 23 Q. Why is that? 24 A. Because we will be dealing with a new group 25 of potential voters who are not familiar with the</p>

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<p style="text-align: right;">Page 142</p> <p>1 Q. BY MS. PAIKOWSKY: Why do you think your 2 county's rejection rate was lower than the statewide 3 rate? 4 A. Because I'm proud of our insert and the 5 work we did. 6 Q. Do you think that other counties have the 7 same level of resources and expertise as Bexar County 8 to implement the kinds of interventions you 9 discussed? 10 MS. CUBRIEL: Objection; form. 11 THE WITNESS: I had made reference to that 12 before that, you know, prior to 2020, I would have 13 answered, yes. But since we've had such a turnover 14 in election leadership, I -- I think it's really hard 15 for a new person to get all the nuances and 16 understand how you have to touch your voters. 17 Q. BY MS. PAIKOWSKY: Do economic resources 18 factor into county's ability to implement the kinds 19 of solutions you did in Bexar County in November of 20 2022? 21 A. I would say absolutely. 22 Q. So, earlier, you mentioned that the 23 November 2022 general election ran more smoothly than 24 the November 2020 election. Can you describe more 25 about why that was.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Do you believe that the November 2022 2 general election was smoother than the 2018 general 3 election? 4 A. No. They were the same. 5 Q. Okay. As compared to the 2018 general 6 election, was mail voting more difficult in the 2022 7 general election? And I'm referring to both 8 processing mail ballots and voter education. 9 A. Yes. 10 Q. Why is that? 11 A. With the ID requirement. The new -- you 12 know, the new -- relatively new ID requirement that 13 we didn't have in prior elections. 14 Q. Was there any information that would have 15 been useful to administering mail voting in the 16 general election that was not captured in the TEAM 17 database? 18 A. No. My initial reaction would be, no. But 19 in hindsight, during this back and forth -- I mean, 20 if -- if you were looking for multiples, you know, 21 maybe we would open up that for multiples. But as an 22 administrator doing the election at the time, no. 23 Q. Does your county keep any data on ABBM 24 rejections that is not reflected in TEAM? 25 A. No.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. Again, just sheer numbers. It -- it -- it 2 basically was just a numbers thing. Because as we 3 talked about mainly, you know, the mail ballots, when 4 you're dealing with 124,000 going out and 92,000 5 coming back, our office, because we do, we handle 6 everything in house, every single piece of it is 7 handled in house, in 2020 my office, we were -- we 8 were working two shifts. We didn't have to do that 9 in 2022. 10 In 2020, we were, I think, since you had 11 asked, we did, like, 1,200 voters that we had -- 12 workers that we had to put out there. Well, in 13 2022 -- or 2020, because we expected more voters, we 14 had more workers. And so we were, like, at 1,800. 15 And so, that's what I'm speaking to, the 16 more complexities, it's -- takes longer to get 1,800 17 people than it does to get 1,200. It takes longer to 18 do 124 applications than it does to do 40. 19 Q. And in the differences between the 20 November '22 general election and the November '20 21 general election, would you say that COVID-19 also 22 impacted the smoothness of one election as compared 23 to the other? 24 A. No, because we had that figured out prior 25 to that November.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Does your county keep any data on carrier 2 envelope rejections that is not reflected in TEAM? 3 A. No. 4 Q. I think that is all my questions. 5 MS. PAIKOWSKY: I would like to go off the 6 record if that's okay for just maybe five minutes and 7 we can chat and then come back on. 8 THE VIDEOGRAPHER: The time is 1:27 p.m. 9 and we are off the record. 10 (A brief recess was taken.) 11 THE VIDEOGRAPHER: The time is 1:33 p.m. 12 and we are on the record. 13 MS. PAIKOWSKY: And I am going to pass the 14 witness at this time. 15 MR. GENECCIN: Thank you. 16 17 EXAMINATION 18 BY MR. GENECCIN: 19 Q. Good afternoon, Miss Callanen. 20 A. Good afternoon, sir. 21 Q. My name is Victor Genecin. 22 A. Victor. I said, "Dennis." I'm sorry. 23 Q. And I've got a few questions for you. Just 24 a little while ago, when you were answering 25 Ms. Paikowsky's questions, you cited the number</p>

EXHIBIT

88

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Plaintiffs

VS.

Defendants

Plaintiffs

VS.

Defendants

Plaintiffs

VS.

Defendants

Plaintiffs

VS.

Defendants

Hilda Salinas

April 20, 2023
Pages 2 to 5

Page 2

1 MIFAMILIA VOTA, et al.)(

2 Plaintiffs)(

3 VS.)(CASE NO.

4)(5:21-cv-0920-XR

5 GREG ABBOTT, et al.)(

6 Defendants)(

6 UNITED STATES OF AMERICA)(

7 Plaintiff)(

8 VS.)(CASE NO.

9)(5:21-cv-1085-XR

10 THE STATE OF TEXAS, et al.)(

11 Defendants)(

12 ORAL AND VIDEOTAPED DEPOSITION OF

13 HILDA ANN SALINAS

14 APRIL 20, 2023

15 ORAL AND VIDEOTAPED DEPOSITION OF HILDA ANN

16 SALINAS, OFFICE OF THE HIDALGO COUNTY ELECTION

17 ADMINISTRATOR, produced as a witness at the instance of

18 the State Defendants, taken in the above-styled and

19 numbered cause on APRIL 20, 2023, between the hours of

20 9:32 a.m. to 12:08 p.m. at the Office of Texas Attorney

21 General, Child Support Division, Pharr Regional Office,

22 3508 North Jackson Road, Suite 100, Pharr, Texas, and

23 1:32 p.m. to 4:55 p.m. at Bryant & Stingley, Inc., 1305

24

25

Page 3

1 East Nolana, Suite D, McAllen, Texas, reported

2 stenographically by DONNA McCOWN, Certified Court

3 Reporter No. 6625, in and for the State of Texas,

4 pursuant to the Federal Rules of Civil Procedure and

5 any provisions stated on the record or attached

6 therein.

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Abigail Young, via Zoom

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Hilda Salinas

April 20, 2023
Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: Today's date is 2 Thursday, April 20, 2023. The time is 9:32 a.m. 3 Deposition of Hilda Ann Salinas. We're on the record. 4 HILDA ANN SALINAS, 5 having been duly sworn, testified as follows: 6 EXAMINATION 7 BY MS. HILTON: 8 Q. Good morning, Ms. Salinas. 9 A. Good morning. 10 Q. My name is Amy Hilton. I'm an assistant 11 attorney general with the Office of the Attorney 12 General, representing the State defendants in this 13 case. Nice to meet you. 14 A. Nice to meet you too. 15 Q. Could you please spell your name for the 16 record. 17 A. H-I-L-D-A, Ann, A-N-N, Salinas, S-A-L-I-N-A-S. 18 Q. Thank you. I'm just going to start with some 19 introductory things. You may already be familiar with 20 them. So I'll -- I'm sorry to burden you with this. 21 So we'll just do some brief introductory things. 22 Have you been deposed before? 23 A. No. 24 Q. Okay. You understand you're under oath today, 25 correct?</p>	<p style="text-align: right;">Page 8</p> <p>1 periodically through the day anyway, but if there's any 2 particular time you want to take a break, we can always 3 take a break. 4 I just ask that if there's a question 5 pending, please go ahead and answer the question, and 6 then we'll take a break. Okay? 7 A. Okay. 8 Q. If you hear an objection from your counsel, 9 that is typically for the Court to decide at a later 10 date. So unless you're instructed otherwise by your 11 attorney, you can go ahead and answer the question. 12 Does that make sense? 13 A. Yes. 14 Q. Okay. 15 A. So I'll answer. 16 Q. Okay. 17 A. Yes, right. Yes. 18 Q. All right. You'll have -- you'll know. When 19 we get there, if your attorney instructs you not to 20 answer, it will be very clear. 21 A. Okay. Thank you. 22 Q. Okay. Are you -- have you consumed anything 23 today, on any medications today that might impair your 24 ability to testify truthfully at your deposition? 25 A. No.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes. 2 Q. For the court reporter, you'll need to provide 3 verbal answers, like "yes" and "no," rather than 4 nodding or shaking your head, because she is taking 5 down every word that we're speaking. 6 A. Okay. 7 Q. Does that sound good? 8 A. Yes, uh-huh. 9 Q. It also helps the court reporter if we don't 10 talk over each other. I'm really bad at this because a 11 deposition is kind of like a conversation. So I'm 12 going to try my best to not cut you off, if you 13 wouldn't mind also doing the same -- 14 A. I'll try my best too. 15 Q. Thank you. Thank you. It happens to all of 16 us. 17 A. Yes. 18 Q. If you don't understand any of my questions, 19 will you please let me know? 20 A. I will. 21 Q. And if you do answer a question, I'm going to 22 assume you understood it. Is that okay? 23 A. Okay. 24 Q. If you need a break at any time, please just 25 let me know. That will be fine. We'll take breaks</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. All right. With the introductory stuff kind of 2 done there, let's move to preparation. What did you do 3 to prepare for your deposition today? 4 A. Reviewed advisories, e-mails, just general 5 information in regards to what was going to be 6 discussed today. 7 Q. Okay. And did you bring any of those documents 8 with you? 9 A. No, ma'am. 10 Q. Are you referring to Secretary of State 11 advisories? 12 A. Yes. 13 Q. Do you remember which ones you reviewed? 14 A. I wouldn't be able to say exactly. 15 Q. Do you recall the date of those advisories, 16 roughly? 17 A. In the year 2022. 18 Q. What kinds of e-mails did you review prior to 19 the deposition? 20 A. The e-mails that the Secretary of State did 21 send us. 22 Q. And do you recall the dates of those e-mails? 23 A. Also 2022. 24 Q. Did you meet with anyone in preparation for 25 today's deposition?</p>

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<p style="text-align: right;">Page 66</p> <p>1 Q. If I say "the County," will you understand that</p> <p>2 to mean Hidalgo County?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. I know you answered a few questions</p> <p>5 about your background, but I wanted to ask some</p> <p>6 in-between questions as well.</p> <p>7 Can you tell me where you grew up?</p> <p>8 A. Here in the Valley.</p> <p>9 Q. Okay.</p> <p>10 A. In Pharr, Texas.</p> <p>11 Q. Pharr?</p> <p>12 A. Pharr, Texas.</p> <p>13 Q. Right where we are today?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Okay. Can you tell me about the education that</p> <p>16 you have completed in your life?</p> <p>17 A. My high school, bachelor's degree in</p> <p>18 communications, journalism, and my master's degree in</p> <p>19 public administration.</p> <p>20 Q. Where did you complete your bachelor's?</p> <p>21 A. In -- it was UTPA.</p> <p>22 Q. Okay. And how about your master's?</p> <p>23 A. UTRGV.</p> <p>24 Q. Okay. Same institution --</p> <p>25 A. Yes --</p>	<p style="text-align: right;">Page 68</p> <p>1 trickiest part. So some of my questions are based on</p> <p>2 what we've learned talking with other counties.</p> <p>3 So if I phrase something differently or in</p> <p>4 a way that you don't understand, please ask me to</p> <p>5 rephrase it. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. All right. With respect to vote by mail, did</p> <p>8 your county include any inserts in either the ABBM</p> <p>9 envelope that was going to the voter or the mail voting</p> <p>10 packet that went to the voter?</p> <p>11 A. I just want to let you -- I just wanted to</p> <p>12 pause because it went down. It says "connecting."</p> <p>13 THE COURT REPORTER: Okay. Timeout then.</p> <p>14 Off the record.</p> <p>15 (Dropped off Zoom)</p> <p>16 (Brief recess)</p> <p>17 A. Can you repeat the question, just to make sure</p> <p>18 that -- it was the application for ballot by mail and</p> <p>19 the mail carrier envelope.</p> <p>20 Q. And the mail packet, the mail voting --</p> <p>21 A. The kit.</p> <p>22 Q. -- packet. Yeah, the kit.</p> <p>23 A. Yes. In the application for ballot by mail,</p> <p>24 when we do mail that out, that's only the application</p> <p>25 for ballot by mail in the envelope.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. -- but --</p> <p>2 A. -- different name.</p> <p>3 Q. -- just went by a different name.</p> <p>4 A. Public affairs. Public affairs.</p> <p>5 Q. Okay. And you mentioned that you previously</p> <p>6 served in the elections administration office as the</p> <p>7 interim elections administrator and also as an</p> <p>8 elections analyst, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Can you tell me when you first joined the</p> <p>11 elections administration office?</p> <p>12 A. In 2016.</p> <p>13 Q. In 2016. And did you work for the elections</p> <p>14 administration office from 2016 to the present?</p> <p>15 A. Yes.</p> <p>16 Q. Have you held any other positions in the</p> <p>17 elections administration office other than the ones</p> <p>18 you've already named?</p> <p>19 A. No.</p> <p>20 Q. Okay. So then I can assume that when you</p> <p>21 started there, you started as an elections analyst?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Thank you.</p> <p>24 I'm going to start by asking some</p> <p>25 questions about vote by mail, which is sometimes the</p>	<p style="text-align: right;">Page 69</p> <p>1 But in the mail carrier kit, what, of</p> <p>2 course, is included is the white envelope where, you</p> <p>3 know, the ballot, you know, goes in, also the purple</p> <p>4 one, you know, once we put everything in there, and</p> <p>5 then it's the green envelope, which is, you know, how</p> <p>6 it's -- how it's mailed out.</p> <p>7 We did add a little flyer, I'm going to</p> <p>8 say 3-by-5, a flyer that did state on the top, "Please</p> <p>9 don't forget your information," and it included the --</p> <p>10 an exact replica of what the mail carrier envelope</p> <p>11 looks like, to make sure to put your -- your -- either</p> <p>12 your driver's license or your Social Security number or</p> <p>13 to check the box that states if you don't have either</p> <p>14 one of those.</p> <p>15 Also, it does encourage them to list both</p> <p>16 the driver's license and the Social Security number.</p> <p>17 And that was the addition that we included on top of</p> <p>18 all the other documents that's included.</p> <p>19 Q. Thank you.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Do you know if that was -- that particular</p> <p>22 insert was produced in discovery?</p> <p>23 A. I'm not sure. I don't know. Yes, yes, yes, I</p> <p>24 do remember seeing information like that going in,</p> <p>25 uh-huh.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Okay. And so with respect to your past answer,</p> <p>2 then, would it be correct to say that you did not send</p> <p>3 voters any inserts or other material with their</p> <p>4 application for ballot by mail informing them about the</p> <p>5 ID requirements of SB 1?</p> <p>6 A. No, we did not. There wasn't anything included</p> <p>7 in that one.</p> <p>8 Q. All right. And then with respect to the mail</p> <p>9 voting kit, you did include a 3-by-5 card with</p> <p>10 information?</p> <p>11 A. Something like that, uh-huh.</p> <p>12 Q. Something around that size with information</p> <p>13 about the SB 1 ID requirements; is that right?</p> <p>14 A. Yes, uh-huh.</p> <p>15 Q. Okay. I'm going to ask you to walk me through</p> <p>16 the process of when your office receives an ABBM, and</p> <p>17 then I'm going to ask about the process of when your</p> <p>18 office receives the carrier envelope.</p> <p>19 So first, with respect to the ABBM, when</p> <p>20 your office receives an application for ballot by mail,</p> <p>21 would it be fair to say that your office will review it</p> <p>22 to see if there is an ID number provided on it?</p> <p>23 A. Yes.</p> <p>24 Q. And if there's a number there that you will put</p> <p>25 that number into your system to see if it matches with</p>	<p style="text-align: right;">Page 72</p> <p>1 generated, my staff does try to communicate with the</p> <p>2 voter to let them know what happened. And then, of</p> <p>3 course, we review the options that they can either go</p> <p>4 in through ballot tracker or they can come into the</p> <p>5 office, or we can send it to them. They could add the</p> <p>6 number. They could mail it back, depending. It's on a</p> <p>7 case-by-case basis.</p> <p>8 Q. If you -- if the voter says "Send it to me</p> <p>9 again," do you send them a fresh new ABBM, or do you</p> <p>10 send them their old ABBM back?</p> <p>11 A. It's the one that they've already submitted.</p> <p>12 Q. Okay. So you send them the one that they've</p> <p>13 already submitted. And do you use any markings on</p> <p>14 that? Do you use a highlighter to highlight the area</p> <p>15 where the person is supposed to provide the number?</p> <p>16 A. I'm not sure of that detail, but I do know that</p> <p>17 the staff does communicate with the voter and does</p> <p>18 explain everything thoroughly.</p> <p>19 Q. Okay. So let's say, then, that the voter</p> <p>20 provides the additional information and sends it back</p> <p>21 to you. You then attempt to match that information to</p> <p>22 what you have in your database; is that right?</p> <p>23 A. Correct.</p> <p>24 Q. And if you do match it, let's say, for example,</p> <p>25 the voter had previously provided the last four of the</p>
<p style="text-align: right;">Page 71</p> <p>1 the voter's record?</p> <p>2 A. Right. We look up the information on the</p> <p>3 voter, of course, of -- the application for ballot by</p> <p>4 mail, it's entered into our -- into our voting system,</p> <p>5 our database. And then we check to see if -- with the</p> <p>6 voter registration application, if all that information</p> <p>7 is matching and if it's included.</p> <p>8 Q. So it is possible sometimes, though, that the</p> <p>9 voter would put the last four of their Social on the</p> <p>10 ABBM, and you don't have the last four of the Social in</p> <p>11 the voter's record in your database, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And, similarly, with the driver's license, it</p> <p>14 could be that the voter puts the driver's license</p> <p>15 number on the ABBM, and you don't have a driver's</p> <p>16 license number to match to in your database, correct?</p> <p>17 A. Right. It could be vice versa or switched,</p> <p>18 uh-huh.</p> <p>19 Q. And in that situation, if that happens, what do</p> <p>20 you do with the ABBM at that point?</p> <p>21 A. At that point? Of course, it's entered, and --</p> <p>22 it's entered into the system that it has been rejected</p> <p>23 due to a mismatch or not having the correct</p> <p>24 information. And the system then generates the notice.</p> <p>25 And then at that point, once it's</p>	<p style="text-align: right;">Page 73</p> <p>1 Social, but this time they also provide their driver's</p> <p>2 license and you're able to match that driver's license</p> <p>3 number, what do you do with the ABBM at that point?</p> <p>4 A. Well, we match it, and, of course, we make sure</p> <p>5 that everything correct -- is correct and matched. But</p> <p>6 that's it. Nothing -- nothing else is added to the</p> <p>7 voter registration system because it's not a voter</p> <p>8 registration application.</p> <p>9 Q. Okay. And you anticipated my next question.</p> <p>10 So if you are able to match the ID number, you would go</p> <p>11 ahead and send the voter the mail voting kit, correct?</p> <p>12 A. Yes. It would proceed as -- as usual.</p> <p>13 Q. However, you would not go into the voter</p> <p>14 registration system that you have and update the</p> <p>15 voter's record; is that correct?</p> <p>16 A. We -- we wouldn't, no.</p> <p>17 Q. So, theoretically, the problem that the voter</p> <p>18 had in this situation that we're discussing could</p> <p>19 repeat itself in a future election where, for example,</p> <p>20 the voter would only provide the last four of the</p> <p>21 Social, you wouldn't be able to match it to your</p> <p>22 records, and then you would send the ABBM back to the</p> <p>23 voter again; is that right?</p> <p>24 A. It can --</p> <p>25 MS. RAMIREZ SOLIS: Objection, form.</p>

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<p style="text-align: right;">Page 146</p> <p>1 insight into that?</p> <p>2 A. I don't.</p> <p>3 Q. Okay. All right. We can put this document</p> <p>4 aside.</p> <p>5 I think you testified earlier that your</p> <p>6 county advised voters to put both the -- their Texas ID</p> <p>7 number, whether it was a driver's license or ID card,</p> <p>8 and the last four of their Social Security number on</p> <p>9 mail ballot materials; is that right?</p> <p>10 A. Correct. It was a flyer. It was a 3-by-5</p> <p>11 flyer that had all that information explaining.</p> <p>12 Q. You anticipated. Did that go on the insert</p> <p>13 that you put with the carrier envelope?</p> <p>14 A. Yes, it did. It went in the mail carrier</p> <p>15 envelope kit.</p> <p>16 Q. Why did you start advising voters to do that?</p> <p>17 A. It's something that -- of course, this was</p> <p>18 decided upon when I was the assistant director, and the</p> <p>19 directive came from the previous elections</p> <p>20 administrator.</p> <p>21 As when we were talking and discussing, of</p> <p>22 course we went through the -- through the point to</p> <p>23 where we were implementing the new laws and trying to</p> <p>24 come up with new procedures, correct. So that is</p> <p>25 something that we decided to do.</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. And I think the form itself directs voters to</p> <p>2 place the last four of their SSN if they do not have a</p> <p>3 Texas driver's license or ID number; is that right?</p> <p>4 A. I think it does state that, yes.</p> <p>5 Q. Yeah. And so were you attempting to, say,</p> <p>6 overcome that language in directing voters to put both?</p> <p>7 A. Overcome as in how?</p> <p>8 Q. Were you attempting to direct the voters who</p> <p>9 did have a Texas driver's license or ID number to put</p> <p>10 their SSN for -- regardless of, you know, the language</p> <p>11 that said only to put the SSN for if you did not have a</p> <p>12 driver's license or ID number?</p> <p>13 A. It's not that we were trying to make a press --</p> <p>14 like a statement to where we were not overcoming that</p> <p>15 language. It was in an effort to assist the voter and</p> <p>16 to assist them and make sure that the process was</p> <p>17 smooth for them.</p> <p>18 As it is, some of these voters are</p> <p>19 65 years and older or do have a disability. So if they</p> <p>20 were to come into a situation where they had to correct</p> <p>21 their mail carrier envelope, we were trying to deter</p> <p>22 that. We were trying to assist them.</p> <p>23 Q. So you felt like clarifying the language helped</p> <p>24 the voter?</p> <p>25 A. In some situations, yes.</p>
<p style="text-align: right;">Page 147</p> <p>1 It's something that we were already doing</p> <p>2 in a sense when it came to registering voters when we</p> <p>3 participated in voter registration drives. "Oh, we'll</p> <p>4 just go ahead and put both," not knowing what would,</p> <p>5 you know, happen in the future. So it was something</p> <p>6 that we just thought it would be better for the voter,</p> <p>7 just go ahead and include both.</p> <p>8 We -- I even appeared in commissioners</p> <p>9 court stating that; on the media when I was conducting</p> <p>10 interviews, encouraging the voters to list both the</p> <p>11 driver's license and the Social Security number. It's</p> <p>12 just better to be safe for it to be a practice, and we</p> <p>13 would not, you know, incur any rejects or any problems</p> <p>14 with the mail carrier ballot.</p> <p>15 Q. Did your office receive any feedback or</p> <p>16 communications from voters that they were not placing</p> <p>17 both because of the language on the ABBM form where it</p> <p>18 requested the numbers?</p> <p>19 A. In speaking to one of the managers and the</p> <p>20 employees that does work on that, which is the</p> <p>21 operations department, they did state that the wording</p> <p>22 is small, the -- the print, the font is really small.</p> <p>23 So that they did hear some complaints stating that,</p> <p>24 "Oh, it's because I didn't see it." "Oh, I didn't</p> <p>25 know," you know, type responses.</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. I know you spoke briefly earlier about some of</p> <p>2 your education efforts around the November 2022 -- I</p> <p>3 should say voter education efforts around the general</p> <p>4 election, which I think you said included social media</p> <p>5 and media interviews. Anything else?</p> <p>6 A. Like I stated, appearing at -- placing an item</p> <p>7 on our commissioners court meetings, going over the</p> <p>8 information there; as well as the media, press</p> <p>9 releases. Anybody had any questions, we were made</p> <p>10 available. Everybody was cross-trained to answer</p> <p>11 questions.</p> <p>12 Q. Did you discuss your voter education efforts</p> <p>13 with the Secretary of State's office at all?</p> <p>14 A. As far as I know, no, we did not.</p> <p>15 Q. And did they discuss their voter education</p> <p>16 efforts with -- with you at all?</p> <p>17 A. What they went -- what -- the information that</p> <p>18 they did give us was just the information that, you</p> <p>19 know, had changed, how to implement guidance. That's</p> <p>20 the information that they gave us.</p> <p>21 Q. How much of your overall voter education effort</p> <p>22 was dedicated toward the ID number requirement for mail</p> <p>23 ballot materials?</p> <p>24 A. For the November election, it was a refresher.</p> <p>25 Q. Do you think you'll continue to do that in the</p>

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Pages 150 to 153

<p style="text-align: right;">Page 150</p> <p>1 future?</p> <p>2 A. Yes. We -- we do include it. We still mention</p> <p>3 it, "Just remember, you do need to, you know, put your</p> <p>4 driver's license and your Social Security number on the</p> <p>5 mail carrier ballot," or "When you're submitting an</p> <p>6 application for ballot by mail, just make sure you</p> <p>7 input this information," so it's stated like that.</p> <p>8 Q. And I think -- switching topics, then. I think</p> <p>9 you said earlier, also, that you used all available</p> <p>10 means to contact voters when they needed to cure mail</p> <p>11 ballot materials; is that right?</p> <p>12 A. Correct.</p> <p>13 Q. Did you, as a matter of course, mail back</p> <p>14 materials, or did you wait for the voter to request</p> <p>15 them to be sent back?</p> <p>16 A. I would -- it would be through the early voting</p> <p>17 ballot board. I do know that they were communicating</p> <p>18 with them. And then again, it was based within how</p> <p>19 much time -- how many days were left over prior to the</p> <p>20 deadlines.</p> <p>21 So if there was enough time and they did</p> <p>22 request for us to mail it to them or the early voting</p> <p>23 ballot board to mail the information to them, then they</p> <p>24 would, or if it was us, then we would. It just</p> <p>25 depended on the situation.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Is that sent by mail?</p> <p>2 A. Yes.</p> <p>3 Q. When your office receives mail ballot</p> <p>4 materials, do you use the ID number information,</p> <p>5 whether it be a driver's license or Texas ID or a last</p> <p>6 four Social Security number, for any purpose other than</p> <p>7 determining whether you could accept that ABBM or</p> <p>8 ballot?</p> <p>9 A. We did not.</p> <p>10 Q. Did you have to hire any employees specifically</p> <p>11 to administer mail balloting during the 2022 general</p> <p>12 election cycle?</p> <p>13 A. We did hire temps to assist us with the</p> <p>14 election, but it was mainly to assist with</p> <p>15 organizational, you know, duties, you know, keeping</p> <p>16 everything organized and in order. Mainly the</p> <p>17 permanent staff would work on those types of duties.</p> <p>18 Q. Got it. To the extent you know, was the number</p> <p>19 of temps you had to hire for the 2022 general higher</p> <p>20 than the 2018 midterm?</p> <p>21 A. Again, I -- in the 2018, I was an election</p> <p>22 analyst. I wouldn't be able to say -- compare it to</p> <p>23 the 2018. I don't know, but I can speak for this</p> <p>24 election, and we did hire temps. We did hire -- in</p> <p>25 total, we do have 10 -- 10, 12 temps.</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. For the period of when -- before the early</p> <p>2 voting ballot board convened, when you said your office</p> <p>3 was looking under the flap to make sure that the ID</p> <p>4 number was there, would you send back ballots that were</p> <p>5 missing an ID number at that point, or would you call</p> <p>6 the voter and see what they wanted?</p> <p>7 A. We would call the voter and see how they would</p> <p>8 want to proceed.</p> <p>9 Q. Was there a date after which you stopped</p> <p>10 sending ballots back to voters because there wouldn't</p> <p>11 have been enough time to mail them back by the</p> <p>12 deadline?</p> <p>13 A. I do, more or less, have an estimation. It</p> <p>14 was, roughly, like, maybe 10, 11 days.</p> <p>15 Q. Okay. Are you aware of any voters who received</p> <p>16 notice of rejection too late to cure before the</p> <p>17 deadline?</p> <p>18 A. I'm not aware.</p> <p>19 Q. Okay. If a voter was sent notice that their</p> <p>20 mail ballot materials were going to be rejected because</p> <p>21 they didn't comply with the ID number requirement and</p> <p>22 then you didn't hear from them again, would you send</p> <p>23 them a final notice of rejection after the time period</p> <p>24 to cure had passed?</p> <p>25 A. Yes. The final notice was sent to them.</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. Do you have any sense of how that compares to</p> <p>2 prior elections?</p> <p>3 A. In some cases, we do need more assistance,</p> <p>4 depending on the scale of the election. If it's a</p> <p>5 pretty big election, let's say a presidential, then</p> <p>6 yes, we do hire more as we do have more mail -- mail-in</p> <p>7 ballots, more applications for ballot by mail, more</p> <p>8 voter registrations. So it depends on -- on the</p> <p>9 election.</p> <p>10 Q. Were there any resources that you would say</p> <p>11 your office had to dedicate to mail balloting because</p> <p>12 of the new ID number requirements under SB 1 that it</p> <p>13 didn't have to before those requirements were in place?</p> <p>14 A. In regards to setting up early voting ballot</p> <p>15 board, we did need to make sure that we had a computer.</p> <p>16 They needed an e-mail account. They -- of course,</p> <p>17 phones to be able to call the voters to let them know</p> <p>18 about their -- to come in to cure, you know, their</p> <p>19 ballot, things like that. It was more technological in</p> <p>20 that sense.</p> <p>21 Q. Makes sense. Do you have a sense of how much</p> <p>22 it cost your office to administer specifically the ID</p> <p>23 number requirements in terms of dollars?</p> <p>24 A. I don't have, more or less, an estimation, but</p> <p>25 I do know that it did incur more paper. It did -- we</p>

Hilda Salinas

April 20, 2023
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<p style="text-align: right;">Page 154</p> <p>1 did need to train more. We did need to change our 2 training modules. We did need to, again, you know, add 3 more of the technological aspect in regards to setting 4 up our early voting ballot board to make sure that they 5 had the resources that they needed.</p> <p>6 Also, the ballot by mail carrier and the 7 kits, all that information did change. All of that 8 needed to be updated, the applications for ballot by 9 mail as well. Updating our website, making sure that 10 everything was current and up-to-date. It trickled 11 down to each and every, you know, point and aspect of 12 the election.</p> <p>13 Q. Do you think those expenses will be recurring 14 in future elections or many of them one time?</p> <p>15 A. I think it is going to be reoccurring, again, 16 depending on the scale of the election. Of course, 17 like, for example, the mail carrier envelopes, how all 18 of that changed. We were experiencing -- the fact that 19 we had to purchase our mail kits in sections because of 20 the paper shortage.</p> <p>21 So we were experiencing situations like 22 that, but now we all have -- you know, we have the 23 entire kit together. So we've already made those 24 purchases, so it would just be to keep it consistent 25 and keep it going.</p>	<p style="text-align: right;">Page 156</p> <p>1 put. For example, they would want to put the full name 2 avenue, but if they put in avenue, it didn't really 3 match their voter registration application. It needed 4 to say A-V-E type, so little things like that is what 5 the types of complaints that -- that I received.</p> <p>6 Q. Got it. Did your office have any experience 7 with military or overseas voters, essentially FPCA 8 voters --</p> <p>9 A. Yes, we did.</p> <p>10 Q. -- who needed to -- who needed to cure the ID 11 numbers on their ballot?</p> <p>12 A. The process for that was that if they did need 13 to cure that they were able to log in through the mail 14 ballot tracker.</p> <p>15 Q. That's right. I think you testified to that 16 earlier, that they were directed to the mail ballot 17 tracker.</p> <p>18 A. Yes.</p> <p>19 Q. Were there any overseas or military voters who 20 cured by any other means?</p> <p>21 A. As far as I know of, no, I wasn't --</p> <p>22 Q. Okay.</p> <p>23 A. -- made aware.</p> <p>24 Q. So for this question, I don't want to get into 25 details. I just want to get a sense of whether this</p>
<p style="text-align: right;">Page 155</p> <p>1 Q. Makes sense. Did you receive any feedback from 2 voters about the online ballot by mail tracker?</p> <p>3 A. I did hear some complaints to where it wasn't 4 user friendly.</p> <p>5 Q. Uh-huh.</p> <p>6 A. Again, I've only seen it as in a screenshot 7 type, as -- as I don't have access to it, but that you 8 can -- you can imagine an elderly person who's 65 or 9 75, 85, you know, plus having to input their 10 information in there.</p> <p>11 The complaint that we did receive was that 12 you would think that you would put, I guess, you know, 13 18 -- you know, 1825 South McColl, let's just state, 14 right, all in one line, and it was segmented to where 15 you would need to put the number, the South in one 16 other little box, and then the street name in another 17 little box. Everything was -- was separated, so it 18 was -- it was hard. It was a little difficult for 19 them.</p> <p>20 Q. Got it.</p> <p>21 A. Those are the kind of complaints that I 22 received in regards to the mail tracker.</p> <p>23 Q. Any other specific issues besides the address 24 entry that you heard?</p> <p>25 A. They weren't really familiar where or what to</p>	<p style="text-align: right;">Page 157</p> <p>1 happened or not to protect any privilege that, you 2 know, your county might have.</p> <p>3 But did you make any referrals to law 4 enforcement for potential fraud in mail balloting in 5 connection with the November 2022 general election?</p> <p>6 A. No, we did not.</p> <p>7 Q. Do you -- is anyone in your office trained to 8 use the ID numbers on mail ballots as a potential 9 indicator of fraud?</p> <p>10 A. I don't understand.</p> <p>11 Q. Sure. I guess let me phrase it this way. Does 12 your office consider a mismatched or omitted ID number 13 on either an ABBM or a carrier envelope to be 14 potentially indicative of mail ballot fraud?</p> <p>15 A. No. Our office did not think of it in that way 16 or form.</p> <p>17 Q. Okay. Were there any instances where a 18 mismatch or omission on the ID number revealed that the 19 voter whose name was on the mail ballot materials was 20 not, in fact, the individual who sent the mail ballot 21 material to your office?</p> <p>22 A. I was not made aware of any such situation.</p> <p>23 Q. Okay. Did you receive any feedback or 24 communications from voters indicating that voting by 25 mail was too difficult once these ID number</p>

EXHIBIT

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Transcript of the Testimony of
Michael Scarpello

Date:

May 04, 2022

Case:

LA UNION DEL PUEBLO ENTERO et al. vs GREGORY W. ABBOTT

Michael Scarpello

May 04, 2022

1 UNITED STATES DISTRICT COURT
 2 WESTERN DISTRICT OF TEXAS
 3 SAN ANTONIO DIVISION

4 LA UNION DEL PUEBLO ENTERO)
 et al.,)
 5 Plaintiffs,)
 v.) Civil Action No. SA-21-cv-
 6 STATE OF TEXAS, et al.,) 00844-XR
 Defendants.) (Consolidated Cases)

7
 8
 9 -----
 10 ORAL AND VIDEOTAPED DEPOSITION OF
 11 MICHAEL SCARPELLO
 MAY 4, 2022
 Volume 1
 12 -----
 13

14
 15 ORAL AND VIDEOTAPED DEPOSITION OF MICHAEL
 16 SCARPELLO produced as a witness at the instance of
 17 Plaintiff, and duly sworn, was taken in the above-styled
 18 and numbered cause on the 4th day of May, 2022 from 10:21
 19 a.m. to 1:11 p.m. before Nancy Newhouse, a Certified
 20 Shorthand Reporter in and for the State of Texas,
 21 reported by oral shorthand, located at the Dallas County
 22 Records Building, 500 Elm Street, Suite 6300, Dallas,
 23 Texas 75202, pursuant to the Federal Rules of Civil
 24 Procedure, and the provisions stated on the record or
 25 attached hereto.

Michael Scarpello

May 04, 2022
Pages 2 to 5

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Page 3	Page 5
<p>1 A P P E A R A N C E S Continued</p> <p>2</p> <p>3 FOR THE DEFENDANT:</p> <p>4 Mr. William T. Thompson, OAG</p> <p>5 ATTORNEY GENERAL KEN PAXTON OFFICE</p> <p>6 DEPUTY CHIEF, SPECIAL LITIGATION UNIT</p> <p>7 P.O. Box 12548 (MC-009)</p> <p>8 Austin, Texas 78711</p> <p>9 Telephone: (512) 463-2100</p> <p>10 Fax: (512) 457-4410</p> <p>11 email: will.thompson@oag.texas.gov</p> <p>12</p> <p>13 Mr. Jason G. Schuette, OAG</p> <p>14 DALLAS COUNTY DISTRICT ATTORNEY OFFICE: CIVIL DIVISION</p> <p>15 RECORDS BUILDING</p> <p>16 500 Elm Street, Suite 6300</p> <p>17 Dallas, Texas 75202</p> <p>18 Telephone: (214) 653-7358</p> <p>19 Fax: (214) 653-6134</p> <p>20 email: schuette@dallascounty.org</p> <p>21 Mr. Ben L. Stool, OAG</p> <p>22 DALLAS COUNTY DISTRICT ATTORNEY OFFICE: CIVIL DIVISION</p> <p>23 RECORDS BUILDING</p> <p>24 500 Elm Street, Suite 6300</p> <p>25 Dallas, Texas 75202</p> <p>Telephone: (214) 653-7358</p> <p>Fax: (214) 653-6134</p> <p>email: ben.stool@dallascounty.org</p> <p>Ms. Barbara Nicholas, OAG</p> <p>DALLAS COUNTY DISTRICT ATTORNEY OFFICE: CIVIL DIVISION</p> <p>RECORDS BUILDING</p> <p>500 Elm Street, Suite 6300</p> <p>Dallas, Texas 75202</p> <p>Telephone: (214) 653-7358</p> <p>Fax: (214) 653-6134</p> <p>email: barbara.nicholas@dallascounty.org</p>	<p>1 INDEX</p> <p>2</p> <p>3 Appearances. 2</p> <p>4 MICHAEL SCARPELLO</p> <p>5 Direct Examination by Mr. Thompson 7</p> <p>6 Cross-Examination by Ms. Perales 87</p> <p>7</p> <p>8 Changes and Signature 93</p> <p>9 Reporter's Certificate. 95</p> <p>10</p> <p>11 DEFENDANT EXHIBITS</p> <p>12 NO. DESCRIPTION PAGE</p> <p>13 1 Printout from the Dallas County Elections</p> <p>14 website (6-pgs) 9</p> <p>15</p> <p>16 2 Email from Zachary Bowen to Michael Scarpello</p> <p>17 regarding Voting Records Bates No. MS007415</p> <p>18 (1-pg) 19</p> <p>19</p> <p>20 3 Email thread between Kate Hall; James Palomo;</p> <p>21 Toni Pippins-Poole; Robert Heard; Laura</p> <p>22 Granado; Brylon Franklin; Tandy Smith; Tacoma</p> <p>23 Phillips regarding Tyrrell Powell Voter Fraud</p> <p>24 dated between May 15, 2019 through May 20, 2019</p> <p>25 Bate Nos. MS007418 through MS007422 (8-pgs) 28</p> <p>4 Article from Dallas Observer Newspaper dated</p> <p>April 24, 2017 Bates No. MS007397 through</p> <p>MS007400 (4-pg) 33</p> <p>5 Unofficial results from Dallas County for the</p> <p>March 6, 2018 Republican Primary (28-pgs) 44</p> <p>6 Unofficial results from Dallas County for the</p> <p>March 6, 2018 Democratic Primary (28-pgs) 45</p>

Michael Scarpello

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<p style="text-align: right;">Page 6</p> <p>1 DEFENDANT EXHIBITS Continued</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 7 Unofficial Final Summary Results Report for 47</p> <p>4 2022 March Primary from Dallas County (44-pgs)</p> <p>5 8 Article from the Dallas Morning News regarding</p> <p>6 Dallas County to eliminate 39 voting sits in</p> <p>7 May election to ease problems at the polls 70</p> <p>8 (9-pgs)</p> <p>9 S.B. No. 1 (76-pgs) 79</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 DIRECT EXAMINATION</p> <p>2 BY MR. THOMPSON:</p> <p>3 Q. Good morning Mr. Scarpello, my name is Will</p> <p>4 Thompson. I'm a lawyer from the Office of the Attorney</p> <p>5 General --</p> <p>6 A. Okay.</p> <p>7 Q. -- and I represent the State Defendants in</p> <p>8 this case.</p> <p>9 Would you state your name for the record,</p> <p>10 please?</p> <p>11 A. Michael Scarpello.</p> <p>12 Q. I understand you've been deposed before,</p> <p>13 including recently, right?</p> <p>14 A. Yes.</p> <p>15 Q. So I'm not going to spend a bunch of time</p> <p>16 going over the ground rules for a deposition, because it</p> <p>17 sounds like you understand them, but, if at any point</p> <p>18 you want to take a break, just let me know.</p> <p>19 And you understand you're under oath</p> <p>20 today, right?</p> <p>21 A. Yes.</p> <p>22 Q. You haven't taken any medication or anything</p> <p>23 that would affect your ability to testify?</p> <p>24 A. Ibuprofen this morning.</p> <p>25 Q. But it hasn't prevented you from being able to</p>
<p style="text-align: right;">Page 7</p> <p>1 PROCEEDINGS</p> <p>2 (On the record at 10:21 a.m.)</p> <p>3 VIDEOGRAPHER: Good morning, we are now</p> <p>4 on record. This begins Videotape No. 1 in the</p> <p>5 deposition of Michael Scarpello in the matter of, The</p> <p>6 Consolidated Case of La Unión Pueblo Del Entero et al. v</p> <p>7 Gregory W. Abbott, et al.</p> <p>8 This deposition is being held at the</p> <p>9 Dallas County office located at 500 Elm Street 75202.</p> <p>10 Today's date is May 4, 2022, and the time is 10:21 a.m.</p> <p>11 All parties have been recorded by the court reporter,</p> <p>12 and their appearances are noted.</p> <p>13 Will the reporter please swear in the</p> <p>14 witness?</p> <p>15 COURT REPORTER: Mr. Scarpello, will you</p> <p>16 please raise your right hand?</p> <p>17 (The witness complies.)</p> <p>18 COURT REPORTER: Do you solemnly swear or</p> <p>19 affirm that the testimony you give today will be the</p> <p>20 truth, the whole truth and nothing but the truth so help</p> <p>21 you God?</p> <p>22 THE WITNESS: I do.</p> <p>23 COURT REPORTER: Thank you.</p> <p>24 MICHAEL SCARPELLO,</p> <p>25 having been first duly sworn, testified as follows:</p>	<p style="text-align: right;">Page 9</p> <p>1 testify accurately, has it?</p> <p>2 A. No, no.</p> <p>3 Q. Okay. What is your job title?</p> <p>4 A. I am the elections administrator for Dallas</p> <p>5 County.</p> <p>6 Q. Now, rather than trying to run through your</p> <p>7 biographical information in detail, I have Exhibit 1</p> <p>8 that we can mark. It is a printout from the Dallas</p> <p>9 County Elections website.</p> <p>10 (Defendant's Exhibit No. 1 was marked for</p> <p>11 identification.)</p> <p>12 A. Uh-huh.</p> <p>13 Q. (BY MR. THOMPSON) And I will ask you if you</p> <p>14 recognize this Exhibit 1?</p> <p>15 A. Yes.</p> <p>16 Q. Does it appear to be an accurate copy of</p> <p>17 information contained on the Dallas Elections website?</p> <p>18 A. Yes.</p> <p>19 Q. Now, if you flip to Page 2, do you see a</p> <p>20 section entitled "Meet your Elections Administrator"?</p> <p>21 A. Yes.</p> <p>22 Q. Does this section contain biographical</p> <p>23 information about you?</p> <p>24 A. Yes.</p> <p>25 Q. Is all that information accurate?</p>

Michael Scarpello

May 04, 2022
Pages 66 to 69

<p style="text-align: right;">Page 66</p> <p>1 put -- they'll mix up which -- which ballot goes in the</p> <p>2 right carrier envelope, sometimes they'll put two</p> <p>3 envelopes in a -- or two -- two ballots in a security</p> <p>4 secrecy envelope. I mean, there is just a whole variety</p> <p>5 of variations of -- of -- of mistakes that voters make.</p> <p>6 Q. Are the mistakes more common when there are</p> <p>7 multiple elections happening at the same time?</p> <p>8 A. Yes.</p> <p>9 Q. I believe you testified earlier that the law,</p> <p>10 SB 1, took effect on December 2nd, 2021, is that right?</p> <p>11 A. Correct.</p> <p>12 Q. Is it fair to say that the first election in</p> <p>13 which you implemented SB 1 was the March primary?</p> <p>14 A. Yes.</p> <p>15 Q. Is it more difficult to implement a new law</p> <p>16 like SB 1 the first time you're doing it, compared to</p> <p>17 later times when you're doing it?</p> <p>18 A. Of course.</p> <p>19 Q. Would you say that your implementation of the</p> <p>20 law has improved between the March 1st primary and the</p> <p>21 May 7th election, for example?</p> <p>22 A. I think that anytime that there's a change, it</p> <p>23 takes time to implement that change. Unfortunately, for</p> <p>24 the March primary election, the State did not give</p> <p>25 elections administrators the proper time to adminis --</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Were you left with less time to implement SB 1</p> <p>2 than you would have liked?</p> <p>3 A. Yes.</p> <p>4 Q. Did that make it more difficult to implement</p> <p>5 it correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know whether voters were also affected</p> <p>8 by the fact that SB 1 was new for the March primary?</p> <p>9 A. I can speculate that they were, yes.</p> <p>10 Q. Aside from speculation, do you have any</p> <p>11 personal knowledge about voters who misunderstood the</p> <p>12 rule -- misunderstood the new rules, for example?</p> <p>13 A. Yes.</p> <p>14 Q. Could -- could you just give an example or two</p> <p>15 of how that happened?</p> <p>16 A. Voters that would not fill out their</p> <p>17 applications correctly, et cetera.</p> <p>18 Q. And in instances like this, were you often</p> <p>19 able to explain the new rules to the voters?</p> <p>20 A. We -- we tried, and we went to extraordinary</p> <p>21 means to do so. We went to the Commissioners Court and</p> <p>22 obtained funding to -- to do a public outreach campaign</p> <p>23 to educate voters, and then we also reached out to those</p> <p>24 who -- who made mistakes on their applications, we --</p> <p>25 phone banking, et cetera, to try to get them to cure.</p>
<p style="text-align: right;">Page 67</p> <p>1 to make those changes.</p> <p>2 SB 1 was passed, you know, in September,</p> <p>3 I think it was, and implemented December 2nd. After the</p> <p>4 law is passed, there's -- there are election advisories</p> <p>5 that come from the Secretary of State that explain how</p> <p>6 to implement those -- those vague rules, as they're seen</p> <p>7 in the law.</p> <p>8 Unfortunately, what -- there's</p> <p>9 clarifications, webinars, election advisories. There</p> <p>10 was 46 of those in the last 80 days, that -- that we</p> <p>11 received from the State, 46 of those prior to</p> <p>12 implementing the March 1st election, and the last of</p> <p>13 which was literally the day before the election. And so</p> <p>14 whenever you have a situation like that, when the State</p> <p>15 is so late in their guidance, there's going to be</p> <p>16 problems implementing.</p> <p>17 Q. And I understand this may seem obvious to you,</p> <p>18 but just in case it's not obvious to the Court, is that</p> <p>19 an unusually-high number of election advisories?</p> <p>20 A. Yes.</p> <p>21 Q. Did they come --</p> <p>22 A. SB 1 is a very complex law.</p> <p>23 Q. And is it fair to say that the advisories came</p> <p>24 closer to Election Day than they normally would?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. So what was the timing of the public outreach</p> <p>2 campaign?</p> <p>3 A. Mid February, late February.</p> <p>4 Q. Is that when it began?</p> <p>5 A. Yes.</p> <p>6 Q. And is it still going on?</p> <p>7 A. That particular campaign, no, but our -- our</p> <p>8 educational efforts on our website, et cetera, are.</p> <p>9 Q. Okay. How long did the campaign go on -- this</p> <p>10 specific campaign you are talking about?</p> <p>11 A. About two weeks.</p> <p>12 Q. Okay. But then continued educational efforts?</p> <p>13 A. Uh-huh, yes.</p> <p>14 Q. Now, kind of apart from the broad-spectrum</p> <p>15 public campaigns that you were talking about, you also</p> <p>16 said you reached out to individual voters who had made</p> <p>17 errors, is that right?</p> <p>18 A. Yes.</p> <p>19 Q. How -- how did that work?</p> <p>20 A. I think we -- well, we sent them written</p> <p>21 communications, emails and phone banks, phone calls.</p> <p>22 Q. And -- and these communications explained the</p> <p>23 specific error the voter in question had made?</p> <p>24 A. Yes.</p> <p>25 Q. And you designed these communications to try</p>

EXHIBIT

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Transcript of the Testimony of
Isabel Longoria

Date:

April 20, 2022

Case:

LA UNION DEL PUEBLO ENTERO V. GREGORY W. ABBOTT

Isabel Longoria

April 20, 2022

1 IN THE UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 SAN ANTONIO DIVISION

4
5 * * * * *

6 LA UNION DEL PUEBLO ENTERO, et al *

7 v. * CASE NO. 5:21-cv-844-XR

8 GREGORY W. ABBOTT, et al *

9 * * * * *

10 OCA-GREATER HOUSTON, et al *

11 v. * CASE NO. 1:21-cv-780-XR

12 JOHN SCOTT, et al *

13 * * * * *

14 HOUSTON JUSTICE, et al *

15 v. * CASE NO. 5:21-cv-848-XR

16 GREGORY WAYNE ABBOTT, et al *

17 * * * * *

18 LULAC TEXAS, et al *

19 v. * CASE NO. 1:21-cv-0786-XR

20 JOHN SCOTT, et al *

21 * * * * *

22 MI FAMILIA VOTA, et al *

23 v. * CASE NO. 5:21-cv-0920-XR

24 GREG ABBOTT, et al *

25 * * * * *

Isabel Longoria

April 20, 2022
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<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE HAUL PLAINTIFFS:</p> <p>4 MR. KENNETH E. BROUGHTON</p> <p>5 REED SMITH, LLP</p> <p>6 811 MAIN STREET, SUITE 1700</p> <p>7 HOUSTON, TEXAS 77002</p> <p>8 PHONE: 713-806-8434</p> <p>9 EMAIL: kbroughton@reedsmith.com</p> <p>10</p> <p>11 FOR STATE DEFENDANTS:</p> <p>12 MR. WILLIAM T. THOMPSON</p> <p>13 OFFICE OF THE ATTORNEY GENERAL</p> <p>14 DEPUTY CHIEF, SPECIAL LITIGATION UNIT</p> <p>15 POST OFFICE BOX 12548</p> <p>16 AUSTIN, TEXAS 78711</p> <p>17 PHONE: 512-936-2567</p> <p>18 EMAIL: will.thompson@oag.texas.gov</p> <p>19</p> <p>20 FOR DEFENDANT ISABEL LONGORIA:</p> <p>21 MS. CHRISTINA BEELER</p> <p>22 MR. JONATHAN FOMBONNE</p> <p>23 OFFICE OF THE HARRIS COUNTY ATTORNEY</p> <p>24 1019 CONGRESS PLAZA, 15TH FLOOR</p> <p>25 HOUSTON, TEXAS 77002</p>	<p style="text-align: right;">Page 5</p> <p>1 4CON 8TH FLOOR</p> <p>2 WASHINGTON, DC 20530</p> <p>3 PHONE: 202-353-5373</p> <p>4 EMAIL: laura.bender@usdoj.gov</p> <p>5</p> <p>6 ALSO PRESENT:</p> <p>7 MR. TERRY HARRISON, VIDEOGRAPHER</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Isabel Longoria

April 20, 2022
Pages 6 to 9

1	I N D E X	Page 6	1	P R O C E E D I N G S	Page 8
2			2	THE VIDEOGRAPHER: Good morning. Today is	
3	APPEARANCES	3	3	Wednesday, April 20, 2022. We're on the record, and the time is	
4			4	9:24.	
5	DIRECT EXAMINATION BY MR. THOMPSON.	8	5	THE COURT REPORTER: Okay. And would everyone	
6			6	like to state whom they represent, appearances?	
7	CROSS-EXAMINATION BY MR. FOMBONNE	162	7	MR. THOMPSON: Sure. Will Thompson from the	
8			8	Office of the Attorney General. I represent the State	
9	CHANGES AND SIGNATURE	164	9	defendants.	
10			10	MR. FOMBONNE: Jonathan Fombonne, Harris County	
11	REPORTER'S CERTIFICATE.	166	11	Attorney's Office, representing defendant Isabel Longoria.	
12			12	MS. BEELER: Christina Beeler, from Harris County	
13			13	Attorney's Office, representing Isabel Longoria.	
14			14	MR. BROUGHTON: Kenneth Broughton, of the law firm	
15			15	of Reed Smith here in Houston, representing the HAUL plaintiffs.	
16			16	Isabel Longoria,	
17			17	having been first duly sworn, testified as follows:	
18			18	DIRECT EXAMINATION	
19			19	BY MR. THOMPSON:	
20			20	Q. Good morning, Ms. Longoria. How are you?	
21			21	A. Great.	
22			22	Q. Would you just spell your name for the record so we	
23			23	have it.	
24			24	A. Isabel Longoria, I-S-A-B-E-L. Longoria is	
25			25	L-O-N-G-O-R-I-A.	
1	E X H I B I T S	Page 7	1	Q. Thank you. Now, I believe you've been deposed before;	Page 9
2			2	right?	
3	EXHIBIT LONGORIA 1: OFFICIAL RESULTS FOR 2022 PRIMARY		3	A. Yes.	
4	ELECTIONS IN HARRIS COUNTY (DEMOCRATIC & REPUBLICAN).	13	4	Q. So we'll just go over -- cover the ground rules, but I	
5			5	know that you know what you're doing. We're going to try not to	
6	EXHIBIT LONGORIA 2: OFFICIAL RESULTS FOR 2018 DEMOCRATIC		6	talk over each other for the benefit of the court reporter, if	
7	PRIMARY ELECTION.	16	7	that makes sense. If you don't understand any question I'm	
8			8	asking, will you please ask for clarification?	
9	EXHIBIT LONGORIA 3: OFFICIAL RESULTS FOR 2018 REPUBLICAN		9	A. Absolutely.	
10	PRIMARY ELECTION	18	10	Q. And if you answer a question I ask, I'm going to assume	
11			11	that you understood the question; is that fair?	
12	EXHIBIT LONGORIA 4: NOTICE TO VOTERS WITH DISABILITIES	21	12	A. Fair.	
13			13	Q. Your lawyer may object to some of the questions. Even	
14	EXHIBIT LONGORIA 5: DISABILITY COMPLAINT FORM	21	14	if there's an objection, you're supposed to answer the question	
15			15	unless your lawyer instructs you on grounds of privilege not to	
16	EXHIBIT LONGORIA 6: SENATE BILL NO. 1.	39	16	answer the question. Does that make sense?	
17			17	A. Understood.	
18	EXHIBIT LONGORIA 7: PRELIMINARY ELECTION RECONCILIATION -		18	Q. And just tell me at anytime if you want a break. We	
19	UNOFFICIAL TOTALS RE: HARRIS COUNTY PRIMARY ELECTIONS 2022. .	104	19	try and get an answer to any pending question, but other than	
20			20	that, we can take a break whenever you want.	
21	EXHIBIT LONGORIA 8: ELECTION RECONCILIATION - OFFICIAL		21	A. Understood.	
22	TOTALS RE: HARRIS COUNTY DEMOCRATIC PRIMARY ELECTION 2022 . .	107	22	Q. Your job title is elections administrator; is that	
23			23	right?	
24	EXHIBIT LONGORIA 9: ELECTION RECONCILIATION - OFFICIAL		24	A. Yes.	
25	TOTALS RE: HARRIS COUNTY REPUBLICAN PRIMARY ELECTION 2022 . .	115	25	Q. And you work for Harris County?	

Isabel Longoria

April 20, 2022
Pages 30 to 33

<p style="text-align: right;">Page 30</p> <p>1 provided to them are not accessible to them. And, so, if not 2 given those two ways, they would seek another option, if at all 3 available by the state. 4 Q. Let me reframe the question. Your previous testimony 5 was about some number of voters, roughly, a dozen, who requested 6 an accommodation related to the cure process; right? 7 A. Sure. 8 Q. And those voters requested an accommodation that would 9 have allowed them to go through the cure process without using 10 either of the two options you testified about earlier; right? 11 A. Yes. 12 Q. What was the option that they wanted as an 13 accommodation for going through the cure process? 14 A. Any alternative to appearing in person because they 15 were physically not able to appear in person in a safe manner. 16 And they were open, as I understand, to all options, be it phone, 17 email, fax, any other option or alternative to appearing in 18 person. 19 Q. What did they say about why it would be unsafe for them 20 to appear in person? 21 A. Broadly, again, they have a disability or are homebound 22 in such a way that, for example, the very reason they engaged in 23 mail ballot voting is because they could not leave their home. 24 And so to cure their mail ballot, they again could not leave 25 their home to cure. And so they requested a cure process or</p>	<p style="text-align: right;">Page 32</p> <p>1 voters who requested an accommodation for the mail ballot cure 2 process? 3 A. It would be dependent on what actions they took voter 4 by voter. 5 Q. Sorry. So do you know, for example, whether any or all 6 of those voters wound up voting? 7 A. Broadly, it was a mixed bag of some voters, as I 8 understand, who did or did not end up curing their mail ballots. 9 Q. When you say it was a mixed bag, are you saying some 10 voters might have cured their mail ballots and some didn't? 11 A. Correct. 12 Q. And do you know how many cured their mail ballots and 13 how many didn't? 14 A. I do not. 15 Q. Do you have any kind of estimate for the percentages? 16 A. I do not. 17 Q. Do you have records that would allow us to determine 18 that information? 19 A. No. 20 Q. How do you know that it was a mixed bag? 21 A. I can -- the people in my office who take these calls, 22 the call centers, report these summaries to me just broadly on 23 what they hear and the context and issues that have been raised 24 by voters on calls. 25 Q. You're referring to the people who take calls in which</p>
<p style="text-align: right;">Page 31</p> <p>1 accommodations that would have been given to them essentially by 2 definition of using mail ballot voting. 3 Q. Was this related to concerns about COVID? 4 A. As I understand, it was about their physical abilities 5 to leave their home or not. 6 Q. So you think that voters who made these requests just 7 can't leave their homes at all; is that right? 8 A. That is what they shared with us. 9 Q. But did your office provide an accommodation for those 10 voters? 11 A. By law, we can only accept the cure forms for mail 12 ballots either using documents received from the state that a 13 person updates on the website or if that individual visits us in 14 person. 15 Q. When you say "by law," you can only do those things, is 16 that based on your understanding of SB1? 17 A. Yes, sir. My understanding of SB1 and advice from the 18 Secretary of State's Office, the different advisories suggest to 19 us that the only method that we can accept cure forms is, again, 20 if that person -- in the cure period, if that person visits our 21 office or submits -- uses the state's website. 22 Q. Did any of the Secretary of State advisories addressing 23 those two options discuss requests for accommodation? 24 A. I don't remember specifically at this time. 25 Q. Do you know what the ultimate result was for those</p>	<p style="text-align: right;">Page 33</p> <p>1 some number of voters requested an accommodation? 2 A. Yes. 3 Q. But the people who take those calls wouldn't know if 4 the voter, for example, later, a week after, he spoke to someone 5 in the call center, got internet access, and went through the 6 cure process; would he? 7 A. No. 8 Q. So is it fair to say that as to the voters who 9 requested an accommodation related to the cure process for mail 10 ballots, your office wouldn't know whether those voters wound up 11 successfully going through the cure process or not? 12 A. There is no form or method in the office to directly 13 track who does ultimately call us about any one issue and then 14 who ultimately cures. 15 Q. So is the answer yes? 16 A. It's a bit of a nuance question. It's not that the 17 office doesn't know generally, it's that there's no form to track 18 that as you kind of stated earlier. If you wouldn't mind 19 clarifying the question, perhaps. 20 Q. You can't provide any testimony about whether any 21 particular voter who requested an accommodation related to the 22 cure process for mail ballots wound up successfully completing 23 the cure process or not; correct? 24 A. Correct. 25 Q. You can't identify anybody in the Harris County</p>

EXHIBIT

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Isabel Longoria

April 20, 2022
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<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Good afternoon. Today is</p> <p>3 Wednesday, April 20, 2022. We're on the record. The time is</p> <p>4 2:45. Would counsel present state appearances, please.</p> <p>5 MR. BROUGHTON: Kenneth Broughton, the firm of</p> <p>6 Reed Smith, for the -- all plaintiffs.</p> <p>7 MS. BEELER: Christina Beeler for the Harris</p> <p>8 County Attorney's Office for defendant Isabel Longoria.</p> <p>9 MR. FOMBONNE: Jonathan Fombonne, Harris County</p> <p>10 Attorney's Office, also for Ms. Longoria.</p> <p>11 MR. THOMSON: Will Thompson, Texas Attorney</p> <p>12 General's Office representing the State defendants.</p> <p>13 Isabel Longoria,</p> <p>14 having been first duly sworn, testified as follows:</p> <p>15 DIRECT EXAMINATION</p> <p>16 BY MR. BROUGHTON:</p> <p>17 Q. Ms. Longoria, as I've said, my name is Kenneth</p> <p>18 Broughton, and I represent -- and I'll tell you exactly who: I'm</p> <p>19 here on behalf, really, I think of all of the various plaintiffs</p> <p>20 in these various lawsuits. My specific clients are Houston</p> <p>21 Justice, Houston Area Urban League, Delta Sigma Theta Sorority</p> <p>22 Inc., The Arc of Texas, and Jeffrey Lamar Clements. Okay?</p> <p>23 So again, you know, anytime anybody needs a break, if</p> <p>24 you'll just say so. You've done a great job earlier today about</p> <p>25 asking for rewording or repeating a question. So don't hesitate.</p>	<p style="text-align: right;">Page 8</p> <p>1 county, all 254 counties, or?</p> <p>2 A. It's a statewide organization with representatives from</p> <p>3 the majorities of counties in Texas, as I understand.</p> <p>4 Q. All right. How long have you been in the TAEA? Is</p> <p>5 that what people call it? Or what do people just refer to it</p> <p>6 shorthand? TAEA?</p> <p>7 A. TAEA is a shorthand --</p> <p>8 Q. Okay.</p> <p>9 A. I've been in it as an official member since I can -- I</p> <p>10 think since about May 2021, if I'm not mistaken.</p> <p>11 Q. Okay. And where'd you grew up?</p> <p>12 A. Here in Houston, Texas.</p> <p>13 Q. Okay. And tell us about your formal schooling.</p> <p>14 A. I went -- received an undergraduate degree in sociology</p> <p>15 from Trinity University in San Antonio, and a master's degree</p> <p>16 from the UT Austin LBJ School of Public Affairs in public</p> <p>17 affairs.</p> <p>18 Q. Okay. And what years did you obtain those degrees?</p> <p>19 A. I graduated from Trinity University in 2010 with a</p> <p>20 bachelor's degree and graduated with my master's from UT Austin</p> <p>21 in 2012.</p> <p>22 Q. And just walk us through your employment once you got</p> <p>23 your master's degree up until you assumed your present role.</p> <p>24 A. Since receiving my master's, I worked for State</p> <p>25 Representative Jessica Farrar as a policy analyst at the Texas</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Okay.</p> <p>2 Q. All right. Go ahead and tell us your name for the</p> <p>3 record.</p> <p>4 A. Isabel Longoria.</p> <p>5 Q. And what is your current job title?</p> <p>6 A. Harris County Elections Administrator.</p> <p>7 Q. And when did you begin your time as the elections</p> <p>8 administrator for Harris County?</p> <p>9 A. In November 2020.</p> <p>10 Q. And when will your tenure end?</p> <p>11 A. I am slated to resign on July 1, 2022.</p> <p>12 Q. So is that position a nonpartisan position?</p> <p>13 A. Yes.</p> <p>14 Q. And how is one selected?</p> <p>15 A. Broadly, the members of the Harris County Election</p> <p>16 Commission accepts resumes, select a candidate, nominate that</p> <p>17 candidate, and then that is, for lack of a better term, ratified</p> <p>18 by the Harris County Commissioners Court.</p> <p>19 Q. Are you a member of any professional organizations? Is</p> <p>20 like there an election administrators organization --</p> <p>21 A. Oh, yeah.</p> <p>22 Q. -- or anything like that?</p> <p>23 A. I apologize. Yes. The Texas Association of Elections</p> <p>24 Administrators.</p> <p>25 Q. Okay. And is that pretty -- is there one in each</p>	<p style="text-align: right;">Page 9</p> <p>1 Legislature. I then worked for the House Democratic Campaign</p> <p>2 Committee working on organizing fundraising and field campaigns</p> <p>3 in South Texas in Harris County. I then believe I went on to</p> <p>4 work for State Senator Sylvia Garcia as a policy analyst working</p> <p>5 in both her district, legislative and campaign -- or and her</p> <p>6 campaign offices. I then moved on to AARP as an associate state</p> <p>7 director of I believe advocacy and outreach helping people over</p> <p>8 the age of 50, you know, live and age gracefully in Texas, and</p> <p>9 then went on to run for office, Houston City Council - District</p> <p>10 H. And then shortly thereafter there was COVID. And then I was</p> <p>11 hired by interim county clerk Chris Hollins as a special advisor</p> <p>12 for voting rights and access in the Harris County Clerk's Office,</p> <p>13 and then shortly thereafter appointed as the Harris County</p> <p>14 Elections Administrator.</p> <p>15 Q. And did you apply for the administrator job?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And what about that job was appealing to you?</p> <p>18 Why did you want that job?</p> <p>19 A. I love Houston, I love Harris County, I wanted to work</p> <p>20 in my hometown, and I believe strongly in the rule of law and</p> <p>21 government and in the fundamental of people engaging in their</p> <p>22 democracy.</p> <p>23 Q. As elections administrator, do you oversee the general</p> <p>24 staffing and budget for that office?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 38</p> <p>1 A. Usually, people who are older, who maybe have -- you 2 know, their driver's license has expired or their need to drive 3 has expired; therefore, they don't get a Texas driver's license. 4 Individuals who for whatever reason have no interest in ever 5 driving and therefore would never get a driver's license. Past 6 that, I'm not familiar with the requirements of what it takes to 7 acquire a driver's license, so I can't say who -- who would 8 qualify or not pass that. But as I understand it, generally, 9 when we see it in our office, people who don't have driver's 10 licenses are usually older. 11 Q. Apparently, your counsel wouldn't qualify if, for one, 12 if she didn't have glasses on. 13 (Laughter erupts in room.) 14 (BY MR. BROUGHTON:) 15 A. Fair enough. 16 Q. Okay. So the other form -- another form of 17 identification required is -- would be the last four digits of a 18 Social Security number; is that right? 19 A. Correct, yes. 20 Q. From your experience, are there categories of citizens 21 who don't have a Social Security number? 22 A. To the extent that I understand citizenship 23 qualifications, I believe, broadly, all citizens have Social 24 Security numbers. Whether or not they are on the voter file is a 25 different aspect.</p>	<p style="text-align: right;">Page 40</p> <p>1 information. So it tended to be older voters, again, who had 2 those numbers available to them but had not updated them in their 3 voter registration file, in addition to which I believe the 4 Secretary of State's Office shared with us that they had come 5 into possession of certain driver's license numbers that they had 6 applied to voters' records using some kind of ID matching or 7 record matching system that voters then reported to us was not 8 their driver's license number. So the application -- the number 9 they provided on their application was not that of the vote -- 10 was not the same as the one on the voter file. And so in trying 11 to investigate that and help voters, we figured out that some 12 driver's license numbers uploaded by the State were not correctly 13 matched to those ballots which then ultimately either had to be 14 corrected or, you know, ultimately had the voter's application to 15 vote by mail rejected. 16 Q. So you said that for some older voters I guess when 17 they had originally obtained or registered to vote, it wasn't 18 required to list their Social Security number; did I understand 19 you correctly? 20 A. Correct, yes. 21 Q. Do you know approximately when that requirement of 22 putting a Social Security number on your voter registration card 23 started? 24 A. As I understand from people in my office who've shared 25 it with me kind of informally, I believe that was sometime in the</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. And what do you mean by that? 2 A. That previous to January, as I understood it, the only 3 way that your driver's license, Social Security number, or other 4 form -- you know, other information that a voter gave us ended up 5 on a voter's file was because that voter submitted it to us 6 either when registering to vote or when updating information in 7 their voter file. So if you've never submitted a voter 8 registration card with your Social Security number on it, then we 9 would never have it uploaded in our system. 10 Q. And in real life situations, did that turn out to 11 affect a lot of people in Harris County? 12 A. Yes. 13 Q. And so tell us about that. 14 A. There were voters who in attempting to fill their mail 15 ballot application or their mail ballot, ultimately, submitted to 16 our office an application with either the last four digits of a 17 Social Security number or their driver's license number which by 18 definition of the signing of the form, they shared to us was, you 19 know, true and accurate for them. However, regardless of if the 20 application contained that information, our voter file may not 21 have contained that information. For example, some older voters 22 when they registered to vote were not required by law to submit a 23 Social Security number or driver's license number with their 24 voter registration card, so they would never have up to that 25 moment ever needed to update their voter file with that</p>	<p style="text-align: right;">Page 41</p> <p>1 '70s or '80s that it then became mandatory for someone to include 2 a Social Security number on a voter registration card. 3 Unfortunately, I don't know or can't remember the exact date at 4 this time. 5 Q. So for somebody like my parents who would have first 6 voted before the 1970s or '80s, then that would not have been on 7 their card; is that your understanding? 8 A. That's -- at that time, they would not have been 9 required to submit a Social Security number or driver's license 10 number with their voter registration card. I'd have to look up 11 the provisions to see if it was even optional for them to include 12 it. 13 Q. Okay. So any other problems you recall that Harris 14 County voters have experienced with respect to these new ID 15 requirements of SB1 with respect to mail-in voting? 16 A. Yes. Expanding the question now to mail ballot voting, 17 in the cure process. So, broadly, that's taking to mean that as 18 voters submit to us an application or even a mail ballot carrier 19 envelope that does not have an ID number, one, we have to send -- 20 we have to return those applications or carrier envelopes back to 21 the voters or we call or email them if we have that information 22 on record -- again, it's something that they optionally provide 23 when registering to vote -- to alert those voters as to their 24 need to kind of update or resubmit an application form or carrier 25 envelope with the correct information based on time. If a voter</p>

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<p style="text-align: right;">Page 42</p> <p>1 sends us their application one day before the deadline, you know, 2 they may not have enough time regardless to, you know, correct 3 that application and get it back to us. So time is against them. 4 If, as I described earlier, there's a discrepancy as to what is 5 on their voter file versus what is provided on their application, 6 be it a typo or if there's an inconsistency in what's in the 7 record, taking time to investigate and get into the bottom of 8 that which then the clock runs out and, therefore, voters can't 9 apply even to vote by mail. Later, if their application to vote 10 is accepted if they do correct their voter registration form -- 11 and that requires sending another form to our voter registration 12 department to update that information, which in and of itself, if 13 you don't have access to computers or printers or can't get to 14 our office in person becomes an onerous task. For some 15 individuals, they may not even be able to engage in the process 16 to update their voter file or even cure their mail ballot. Those 17 tend to be problems even in the application process. 18 Fast forward, let's say you make it through the 19 application process, the voter's approved, you get to the mail 20 ballot process, you receive a mail ballot, you send it back to 21 us, the State has given us a template which because of time we 22 had to use for a mail ballot envelope on what we call a secrecy 23 flap, which means that the ID numbers have to be included under a 24 flap so that as those numbers are -- as that mail ballot is going 25 through the postal service, you can assume that certain</p>	<p style="text-align: right;">Page 44</p> <p>1 your mail ballot. But if you can't come in person and if you 2 can't return it by mail to cure your mail ballot, then you are 3 effectively kind of out of options to cure your mail ballot even 4 though you have the correct number, even though you could cure 5 it. So ultimately leading to about 20 percent of mail ballots in 6 Harris County that were rejected by the early voting ballot board 7 because of lack of ID or ID curing issue. 8 I'm happy to repeat any of that for the reporter. 9 Q. (Laughs.) 10 A. I know that was quite a lengthy -- 11 Q. I have a question back to people being able to go 12 online and cure and things like that. Has your office 13 experienced very many people who for whatever reason don't have a 14 computer or are not computer literate or that sort of thing? 15 A. Yes. 16 Q. Tell us about that. 17 A. It tends to be older voters or voters without means who 18 more likely than not don't have access to a printer. So they 19 might have access to the internet on their phone or get access to 20 internet through a community center or other means or may even 21 request that we print and send to them a mail ballot application. 22 But if you don't have a printer, then your option is to, you 23 know, call us or hope that another application has gotten to you 24 in some form. 25 And then postage, individuals may not be aware or be</p>
<p style="text-align: right;">Page 43</p> <p>1 information is hidden under that flap. Voters don't see that 2 there's a space under the flap, don't know to include the 3 information under the flap, think that because they've included 4 that information on their application, they don't need to do it 5 on the carrier envelope, and so you have missing ID numbers for 6 that purpose. And then that could be sent -- either sent back to 7 you if you get a mail ballot back. Voters have expressed 8 frustrations at having to correct their mail ballots and having 9 to go through that process and some have not returned their mail 10 ballots because of that. 11 Let's keep moving forward. So you've gone through all 12 of that process, again, assuming that the information in your 13 voter file is correct and matched up to your card, it requires 14 more time from our early voting ballot board and more resources 15 from our voter registration and mail ballot teams to research 16 someone's voter file to match those numbers; and then for the 17 early vote ballot board, to make those determinations if the 18 numbers match and then if the signatures match; further 19 complicated by the fact that if you are lacking a signature but 20 have an ID number that is correct, you by law can presume that 21 that mail ballot can be accepted, but even then it's a bit 22 ambiguous for the early voting ballot board, as I understand, on 23 when and how that should be applied. 24 Then assuming you don't match numbers, you have six 25 days in the cure period to then come in person or return by mail</p>	<p style="text-align: right;">Page 45</p> <p>1 able to go out and purchase postage to send back their 2 applications or mail ballots to our office. I will say there's a 3 caveat that any election mail received by our office without 4 postage must be accepted by the U.S. Postal Service, but not all 5 voters are aware that they can send election mail in the post and 6 that it'll get to our office. 7 Q. I wouldn't have known that either, just like the 8 buzzer. (Laughs.) Let's see here. 9 A. Oh, and I believe -- sorry. I misspoke earlier. In 10 the cure process, yeah, I said in person or by mail. Yeah, those 11 are the items -- options for curing. 12 Q. How does a voter know if their vote-by-mail application 13 has been accepted? 14 A. Either, one, you receive a mail ballot -- so you can 15 presume that your mail ballot application has been accepted -- 16 you can call our office, mail ballot department, to check on the 17 status of your mail ballot application, you can visit the Harris 18 County website or the Texas Secretary of State website if you're 19 able to access either of those websites to see the status of your 20 application, or you'll receive a letter, phone call, or email 21 from us if there for any reason is a reason -- if your 22 application was not accepted. 23 Q. What are the reasons a vote-by-mail application might 24 be denied? 25 A. Oh, boy. A vote-by-mail application can be denied for</p>

EXHIBIT

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Transcript of the Testimony of
Yvonne Ramon

Date:

May 10, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs STATE OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO
ENTERO, ET AL

vs.

STATE OF TEXAS, ET AL

CASE NO. 5:21-cv-0844-XR

OCA-GREATER HOUSTON, ET AL

vs.

TEXAS SECRETARY OF STATE
JOHN SCOTT, ET AL

CASE NO. 1:21-cv-0780-XR

HOUSTON AREA URBAN
LEAGUE, ET AL

vs.

GREGORY WAYNE ABBOTT, ET
AL

CASE NO. 5:21-cv-0848-XR

LULAC TEXAS, ET AL
LEAGUE, ET AL

vs.

JOHN SCOTT, ET AL

CASE NO. 1:21-cv-0786-XR

MI FAMILIA VOTA, ET AL

vs.

GREG ABBOTT, ET AL

CASE NO. 5:21-cv-0920-XR

UNITED STATES OF AMERICA

vs.

STATE OF TEXAS, ET AL

CASE NO. 5:21-cv-1085-XR

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<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 ORAL & VIDEOTAPED DEPOSITION</p> <p>3 YVONNE RAMON</p> <p>4 May 10, 2022</p> <p>5</p> <p>6 ORAL & VIDEOTAPED DEPOSITION OF YVONNE RAMON,</p> <p>7 produced as a witness at the instance of the United</p> <p>8 States and duly sworn, was taken in the above-styled and</p> <p>9 numbered cause on the 10th day of May, 2022, from</p> <p>10 9:06 a.m. to 4:09 p.m., before Dora Canizales, Certified</p> <p>11 Shorthand Reporter in and for the State of Texas,</p> <p>12 reported by computerized stenotype method at the Hidalgo</p> <p>13 County Safety Division, 9805 North Tenth Street,</p> <p>14 McAllen, Texas 78504, pursuant to the Federal Rules of</p> <p>15 Civil Procedure and the provisions stated on the record</p> <p>16 or attached hereto.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 - AND -</p> <p>3</p> <p>4 Leigh Ann Tognetti</p> <p>5 Assistant District Attorney</p> <p>6 100 East Cano Street</p> <p>7 Edinburg, Texas 78539</p> <p>8 Telephone: (956) 292-7600</p> <p>9 E-mail: leigh.tognetti@da.co.hidalgo.tx.us</p> <p>10</p> <p>11 FOR STATE OF TEXAS DEFENDANTS:</p> <p>12 Ari Herbert</p> <p>13 Texas Attorney General's Office</p> <p>14 Price Daniel Sr State Office Building</p> <p>15 209 W. 14th Street</p> <p>16 Austin, Texas 78701-1614</p> <p>17</p> <p>18 ALSO PRESENT: Mark Longoria, Videographer.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR LULAC PLAINTIFFS:</p> <p>4 Graham W. White</p> <p>5 Associate, Litigation</p> <p>6 Elias Law Group</p> <p>7 10 G. Street, NE Suite 600</p> <p>8 Washington, DC 20002</p> <p>9 Telephone: 202-968-4507</p> <p>10 GWhite@elias.law</p> <p>11</p> <p>12 FOR THE UNITED STATES:</p> <p>13 Jaywin Singh Malhi</p> <p>14 Voting Section</p> <p>15 Civil Rights Division</p> <p>16 Department of Justice</p> <p>17 (202) 305-0115</p> <p>18 E-mail: Jaywin.Malhi@usdoj.gov</p> <p>19</p> <p>20 FOR PLAINTIFFS OCA-GREAER HOUSTON, ET AL:</p> <p>21 Susana Lorenzo-Giguere</p> <p>22 - and -</p> <p>23 Ashley Harris</p> <p>24 Asian American Legal Defense & Education Fund</p> <p>25 99 Hudson Street, 12th Floor</p> <p>New York, NY 10013</p> <p>Telephone: (212) 966-5932</p> <p>E-mail: llorenzo-giguere@aaldef.org</p> <p>FOR DEFENDANT HIDALGO COUNTY ELECTIONS ADMINISTRATION:</p> <p>Josie Ramirez</p> <p>Assistant District Attorney</p> <p>The Latino Legal Voice for Civil Rights in America</p> <p>110 Broadway, Suite 300</p> <p>San Antonio, Texas 78205</p> <p>Telephone: (210) 224-5476 ext. 206</p> <p>E-mail: nperales@maldef.com</p>	<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 INDEX</p> <p>3 PAGE</p> <p>4 YVONNE RAMON</p> <p>5 Examination by Mr. White7</p> <p>6 Examination by Mr. Malhi188</p> <p>7 Examination by Ms. Lorenzo-Giguere237</p> <p>8 Examination by Mr. Malhi241</p> <p>9 Changes and Signature260</p> <p>10 Court Reporter's Certificate263</p> <p>11</p> <p>12 EXHIBITS</p> <p>13</p> <p>14 EXHIBIT DESCRIPTION PAGE</p> <p>15 1 Deposition Notice 10</p> <p>16 2 Senate Bill 1 20</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: We are now on the 2 record. This begins Videotape Number 1 in the 3 deposition of Yvonne Ramon in the matter of La Union Del 4 Pueblo Entero vs. Texas, in the United States District 5 Court for the Western District of Texas, San Antonio, 6 Division 5--- I'm sorry, 5:21-cv-0844-XR. 7 Today is Tuesday, May 10, 2022 and the 8 time is 9:06 a.m. 9 This deposition is being taken at 9805 10 North Tenth Street, McAllen, Texas, at the request of 11 Magna Legal Services. 12 The videographer is Mark Longoria of Magna 13 Legal Services, and court reporter is Dora Canizales of 14 Magna Legal Services. 15 Would counsel and all parties present 16 state their appearance and whom they represent? 17 MR. WHITE: This is Graham White from the 18 Elias Law Group on behalf of LULAC plaintiffs. 19 MS. RAMIREZ: Josie Ramirez and Leigh Ann 20 Tognetti on behalf of the defendant, Yvonne Ramon. 21 MR. HERBERT: Ari Herbert from the Texas 22 Attorney's General Office on behalf of State defendants. 23 MR. MALHI: This is Jaywin Singh Malhi on 24 behalf of the United States. And along with me is a 25 student intern, Cameron Pack.</p>	<p style="text-align: right;">Page 8</p> <p>1 Texas. 2 Q And did you bring anything with you to the 3 deposition today? 4 A I didn't. 5 Q Okay. Now, I know you've been deposed before. 6 A Yes. 7 Q And so I won't spend too much time on 8 preliminaries. But just for the record, I just want to 9 go over some of the ground rules for today. 10 As you know, this just to make sure that 11 your answers to my questions are audible. No shaking of 12 your head or "huh-uh" or things like that that will make 13 it hard for the court reporter to transcribe. Does that 14 make sense? 15 A Yes. 16 Q Please wait for me to finish my questions 17 before you answer, and do your best not to interrupt me. 18 And I will do the same -- same thing for the sake of the 19 court reporter. 20 A Yes. 21 Q So you understand that you're under oath today? 22 A Yes. 23 Q And you will testify truthfully and honestly 24 and that oath has the same effect as if you were 25 testifying in a court of law?</p>
<p style="text-align: right;">Page 7</p> <p>1 MS. HARRIS: This is Ashley Harris on 2 behalf of the OCA plaintiffs. 3 MS. RAMIREZ: Anyone else wants to 4 identify themselves? Okay. 5 (Witness sworn by Court Reporter.) 6 YVONNE RAMON, 7 having been first duly sworn, testified as follows: 8 EXAMINATION 9 Q (BY MR. WHITE) Ms. Ramon, good morning. 10 A Good morning. 11 Q Good to see you again. 12 A Nice to see you as well. 13 Q So as you know, my name is Graham White. 14 represent LULAC with the Texas Alliance Retired 15 Americans and Texas AFT, and so I represent one of the 16 several plaintiff groups in this matter. 17 And I think after I finish my questioning 18 today there may be lawyers for other groups that may 19 have questions to ask as well, and they will introduce 20 themselves when the time comes. 21 Now, I know you were sworn in. But can 22 you please state your full name for the record? 23 A Yvonne Ramon. 24 Q And can you also state your business address? 25 A We are at 213 South Closner Avenue in Edinburg,</p>	<p style="text-align: right;">Page 9</p> <p>1 A Yes. 2 Q If the question is unclear to you, just let me 3 know. If you don't ask for clarification, I will assume 4 you understood the meaning of the question. Does that 5 make sense? 6 A I understand. 7 Q Okay. Your attorney may object to some of my 8 questions. Those objections are for the judge to 9 consider at a later point. Unless your attorney 10 specifically instructs you not to answer, just answer my 11 question. 12 A I understand. 13 Q Okay. Finally, if you need to take a break for 14 any reason, just let me know. I will try to go -- take 15 a break maybe every hour or so. 16 The only thing that I ask is that if a 17 question is pending when we break, that you just answer 18 before we go off the record. 19 A Yes. 20 Q Okay, great. 21 Is there anything that might impair your 22 ability to testify truthfully and honestly today? 23 A No. 24 Q Have you taken any medication, alcohol, or 25 drugs that would impair your testimony today?</p>

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<p style="text-align: right;">Page 14</p> <p>1 umbrella.</p> <p>2 The VR database processors, there are</p> <p>3 seven. And I think the rest of the departments work in</p> <p>4 the operations of the election, in administration of the</p> <p>5 election. And so pretty much I think all 20 work</p> <p>6 everything.</p> <p>7 Q Got it. And you have temporary employees for</p> <p>8 the elections operations --</p> <p>9 A I do.</p> <p>10 Q -- department as well?</p> <p>11 A I do. There are anywhere between three to</p> <p>12 seven temporary employees that can be on or off,</p> <p>13 depending on the election itself and the other duties of</p> <p>14 the office.</p> <p>15 Q Great. And about how many elections have you</p> <p>16 run as the Hidalgo County Elections Administrator?</p> <p>17 A I didn't go back to check. But when I did my</p> <p>18 report a couple of years ago, it was over 200, so I'm</p> <p>19 sure it's somewhere around there.</p> <p>20 Q Okay. So let me ask you this then: How long</p> <p>21 have you been in your current role?</p> <p>22 A September 2nd will be 14 years. So not quite</p> <p>23 14, but right around the corner.</p> <p>24 Q And what did you do before then?</p> <p>25 A I was actually in education. I had just</p>	<p style="text-align: right;">Page 16</p> <p>1 ago, but can you just explain how your office interacts</p> <p>2 with the Secretary of State's office on a day-to-day</p> <p>3 basis?</p> <p>4 A The Secretary of State's office has always been</p> <p>5 our I think number one support system. We look to them</p> <p>6 for guidance. We look to them for instructions when</p> <p>7 something changes, when something is new. We wait</p> <p>8 anxiously for them to guide us.</p> <p>9 And so, of course, they interpret the</p> <p>10 election code. So whenever there is a question, that's</p> <p>11 who we call firsthand.</p> <p>12 So without them, I don't know what we</p> <p>13 would do because they are truly our support.</p> <p>14 Q And who in the Secretary of State's office do</p> <p>15 you generally contact with questions about an election?</p> <p>16 A Well, I am part of the advisory committee that</p> <p>17 was formed in 2020. There are 27 counties that were</p> <p>18 asked to represent the State.</p> <p>19 And so we're usually talking with Keith</p> <p>20 Ingram and Christina Adkins.</p> <p>21 But, of course, dialing the 1-800 number,</p> <p>22 and you hit number 3, any of the legal attorneys that</p> <p>23 answer, we work with all of them.</p> <p>24 Q Okay. What is this advisory committee that you</p> <p>25 just mentioned?</p>
<p style="text-align: right;">Page 15</p> <p>1 started a school that summer as secondhand to a</p> <p>2 principal. That school was supposed to be mine as</p> <p>3 principal one day, and that's how she hired me on. So I</p> <p>4 was working in education.</p> <p>5 Q And what made you decide to go from education</p> <p>6 to elections administration?</p> <p>7 A Truly, that is a story all on its own,</p> <p>8 honestly.</p> <p>9 Q Sure.</p> <p>10 A My prayer is always where do you need me, Lord,</p> <p>11 and this is where I ended up.</p> <p>12 Q Understood. Does your office have a mission</p> <p>13 statement?</p> <p>14 A No, we don't.</p> <p>15 Q Would you say that helping people register to</p> <p>16 vote is part of your office's objectives?</p> <p>17 A Yes.</p> <p>18 Q Would you say that making voting more</p> <p>19 accessible is part of your office's objectives?</p> <p>20 A Yes.</p> <p>21 Q And would you say that ensuring eligible voters</p> <p>22 are able to cast a ballot as part of your office's</p> <p>23 objectives?</p> <p>24 A Yes.</p> <p>25 Q And how does the -- you mentioned this a second</p>	<p style="text-align: right;">Page 17</p> <p>1 A In 2020, Christina Adkins and Keith Ingram</p> <p>2 asked 27 of us -- I don't know how many are still on</p> <p>3 board, but there were 27 back then, I ran across the</p> <p>4 e-mail just last week -- and they asked if we would join</p> <p>5 them for -- you know, it could be monthly meetings and,</p> <p>6 when necessary, even more often.</p> <p>7 And we discuss changes, we discuss</p> <p>8 anything that -- topics that are important. And so it's</p> <p>9 been a -- it's been a rewarding experience.</p> <p>10 Q So during these discussions, is the Secretary</p> <p>11 of State's office soliciting your advice?</p> <p>12 A In a sense, it's not about soliciting our</p> <p>13 advice, but, for example, with the carrier envelope, we</p> <p>14 were part of the team that would receive the prototypes</p> <p>15 and, you know, look at it. I would have my staff in</p> <p>16 that department look at it and give suggestions.</p> <p>17 At the end, they decide. We don't. But</p> <p>18 the check off list that was part of Senate Bill 1, you</p> <p>19 know, again, I looked at it, I talked to some poll</p> <p>20 workers and if anything was missing. Because they're</p> <p>21 the ones that work it.</p> <p>22 So we submit this fact. I'm not exactly</p> <p>23 sure what they do with the final product, but we do give</p> <p>24 our experiences sometimes.</p> <p>25 Q Understood. And you said that you-all -- the</p>

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<p style="text-align: right;">Page 134</p> <p>1 we send to the State. So it takes a little longer.</p> <p>2 Q And one other thing I think you mentioned when</p> <p>3 I asked about the impact on Hidalgo County was that</p> <p>4 there was a paper shortage. I don't think I explored</p> <p>5 that particular --</p> <p>6 A Yeah. Nationwide. There was a paper shortage.</p> <p>7 So that's why in trying to prepare for the year the way</p> <p>8 the State was asking us to be ready, because we needed</p> <p>9 to be ready with all these forms, we couldn't, and we</p> <p>10 haven't been able to because the vendors were not</p> <p>11 allowing us to order such large quantities.</p> <p>12 That also brings down the price, but, you</p> <p>13 know, the more you order, the less per item charge. But</p> <p>14 we couldn't because nationwide, there is a paper</p> <p>15 shortage.</p> <p>16 Right now we're having difficulty finding</p> <p>17 yellow paper for the sample ballots, for example. They</p> <p>18 don't let you order, you know, boxes and boxes, reams</p> <p>19 and reams of paper. They limit you to how much you can</p> <p>20 order because there is a paper shortage.</p> <p>21 Q And when did your office become aware about the</p> <p>22 paper shortage?</p> <p>23 A In December, January. We already knew this was</p> <p>24 coming.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 136</p> <p>1 Q Okay.</p> <p>2 A In each category.</p> <p>3 Q I have other questions that will be about</p> <p>4 numbers, so hopefully I won't be over grueling in that</p> <p>5 regard.</p> <p>6 So during the March 2022 primary, we sort</p> <p>7 of talked about some of the problems that were caused by</p> <p>8 the identification matching provisions.</p> <p>9 Is it fair to say that there were high</p> <p>10 levels of rejection of mail-in ballot applications</p> <p>11 compared to previous years?</p> <p>12 MR. HERBERT: Objection, form.</p> <p>13 A I did check that carefully, and definitely.</p> <p>14 When we would have a rejection rate of 1 to 2 percent --</p> <p>15 I think there was one year that we had a 2.2 -- we</p> <p>16 actually had a 19 percent rejection rate in the March</p> <p>17 2022.</p> <p>18 Q (BY MR. WHITE) Okay. And I'm going to ask you</p> <p>19 more specifics about those numbers in just a second.</p> <p>20 The question I just asked is about whether</p> <p>21 there were high levels of rejection of mail-in ballot</p> <p>22 application. Were there also high levels of rejection</p> <p>23 mail-in ballots --</p> <p>24 A Yes.</p> <p>25 Q -- compared to previous --</p>
<p style="text-align: right;">Page 135</p> <p>1 A I'm trying to jump the gun. You have to also</p> <p>2 remember it was redistricting and that we were doing a</p> <p>3 massive mail-out, which is 357,000-plus cards that</p> <p>4 needed to be printed and sent out.</p> <p>5 Our vendor did tell us that once we did</p> <p>6 ours, he had to turn others away because he didn't have</p> <p>7 any more paper, no more paper in stock.</p> <p>8 Q Do you know, on average, how many voters use</p> <p>9 vote by mail in Hidalgo County during a primary</p> <p>10 election?</p> <p>11 A How many voters what?</p> <p>12 Q Use vote by mail during a primary recollection</p> <p>13 in Hidalgo County?</p> <p>14 A For in general?</p> <p>15 Q During a primary election.</p> <p>16 A During a primary election. Vote by mail. I</p> <p>17 didn't look at that figure. I just looked at the -- too</p> <p>18 many -- too many percentages to remember.</p> <p>19 Q Sure.</p> <p>20 A I can tell you that during a primary, the</p> <p>21 percentage of complete voter turnout would be anywhere</p> <p>22 between 15 percent to 21, 22. Except 2016 had a little</p> <p>23 higher turnout, 25. But usually it's anywhere between</p> <p>24 15 to 21, 22 percent voter turnout. But too many -- to</p> <p>25 many numbers to remember the breakdown.</p>	<p style="text-align: right;">Page 137</p> <p>1 A Yes, I did check that as well for 2022. And,</p> <p>2 again, the rejection rate of applications minimal,</p> <p>3 again, 1 percent, 1 1/2 percent. And the applications</p> <p>4 rejection rate in 2022 was 13 percent.</p> <p>5 Q And so let's just focus for a second on the</p> <p>6 applications. What were the reasons for some of these</p> <p>7 rejection rates for applications?</p> <p>8 A The majority was lack of ID.</p> <p>9 Q When you say "lack of ID," do you mean a person</p> <p>10 not listing an identification --</p> <p>11 A Exactly.</p> <p>12 Q -- on the mail-in application?</p> <p>13 A Exactly. They were using the old form. Or if</p> <p>14 they -- even if they used the new form, they didn't --</p> <p>15 their eyes didn't gravitate to the right side, which was</p> <p>16 a new area on the application that required the ID.</p> <p>17 Q And when you say the majority of the problems</p> <p>18 were caused by missing ID, is that a guess or --</p> <p>19 A No, no. It is the majority. Because, again --</p> <p>20 because a person submits an application doesn't mean</p> <p>21 they qualify. So some are rejected because they don't</p> <p>22 qualify. They don't meet the guidelines whether they're</p> <p>23 not 65 and older and if they're -- they didn't check</p> <p>24 disabled, they didn't check the primary. You have to</p> <p>25 check Democrat or Republican, and some people don't. So</p>

EXHIBIT

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Transcript of the Testimony of
Jacquelyn Callanen

Date:

April 20, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

Jacquelyn Callanen

April 20, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO,)
ET AL)
vs.) CASE NO. 5:21-CV-844-XR
GREGORY W. ABBOTT, ET AL)

OCA-GREATER HOUSTON, ET AL)
vs.) CASE NO. 1:23-CV-780-XR
JOHN SCOTT, ET AL)

HOUSTON JUSTICE, ET AL)
vs.) CASE NO. 5:21-CV-848-XR
GREGORY WAYNE ABBOTT, ET AL)

LULAC TEXAS, ET AL)
vs.) CASE NO. 1:21-CV-0786-XR
JOHN SCOTT, ET AL)

MIFAMILIA VOTA, ET AL)
vs.) CASE NO. 5:21-CV-0920-XR
GREG ABBOTT, ET AL)

UNITED STATES OF AMERICA)
vs.) CASE NO. 5:21-CV-1085-XR
THE STATE OF TEXAS, ET AL)

ORAL VIDEOTAPED DEPOSITION

JACQUELYN CALLANEN

APRIL 20, 2022

Jacquelyn Callanen

April 20, 2022

Pages 2 to 5

<p style="text-align: right;">Page 2</p> <p>1 ORAL VIDEOTAPED DEPOSITION OF JACQUELYN CALLANEN, 2 produced as a witness at the instance of the Plaintiffs 3 and duly sworn, was taken in the above-styled and 4 numbered cause on the 20TH day of April, 2022, from 5 9:27 a.m. to 7:07 p.m., before Sarah A. Prugh, Certified 6 Shorthand Reporter in and for the State of Texas, 7 reported by machine shorthand at the Offices of The 8 Mexican American Legal Defense and Educational Fund, 110 9 Broadway Street, Suite 300, San Antonio, Texas, pursuant 10 to the Federal Rules of Civil Procedure and the 11 provisions stated on the record or attached hereto. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 FOR PLAINTIFFS OCA-GREATER HOUSTON, LEAGUE OF WOMEN 2 VOTERS OF TEXAS, REVUP-TEXAS, TEXAS ORGANIZING PROJECT 3 AND WORKERS DEFENSE ACTION FUND: 4 Mr. Thomas Buser-Clancy (Via Zoom) 5 ACLU Foundation of Texas, Inc. 6 5225 Katy Freeway, Suite 350 7 Houston, Texas 77007 8 Telephone: 713-942-8146 9 Ms. Lia Sifuentes Davis (Via Zoom) 10 Disability Rights Texas 11 2222 West Braker Lane 12 Austin, Texas 78758-1024 13 Telephone: 512-454-4816 14 E-mail: ldavis@drtx.org 15 16 Ms. Susana Lorenzo-Giguere (Via Zoom) 17 Asian American legal Defense and Education Fund 18 99 Hudson Street, 12th Floor 19 New York, NY 10013 20 Telephone: 212-966-5932 21 E-mail: slorenzo-giguere@aaldef.org 22 FOR PLAINTIFF LULAC TEXAS: 23 Mr. Graham W. White 24 Elias Law Group, LLP 25 10 G Street NE, Suite 600 Washington, DC 20002 Telephone: 202-968-4490 E-mail: gwhite@elias.law FOR PLAINTIFF MI FAMILIA VOTA: Ms. Wendy Olson (Via Zoom) Stoel Rivas, LLP 101 S. Capitol Boulevard, Suite 1900 Boise, Idaho 83702 Telephone: 208-387-4291 E-mail: wendy.olson@stoel.com FOR DEFENDANT HIDALGO COUNTY ELECTIONS ADMINISTRATOR YVONNE RAMON: Ms. Leigh Tognetti (Via Zoom) Hidalgo County District Attorney's Office E-mail: josephine.ramirez@da.co.hidalgo.tx.us</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 3 FOR PLAINTIFFS HOUSTON AREA URBAN LEAGUE; DELTA SIGMA 4 THETA SORORITY, INC.; THE ARC OF TEXAS; AND JEFFREY 5 LAMAR CLEMMONS: 6 Ms. Sarah Cummings Stewart (Via Zoom) 7 Reed Smith, LLP 8 2850 N. Harwood Street, Suite 1500 9 Dallas, Texas 75201 10 Telephone: 469-680-4200 11 E-mail: sarah.stewart@reedsmith.com 12 13 Ms. Ciara A. Sisco 14 Email: csisco@naacpldf.org 15 Ms. Liliana Zaragoza (Via Zoom) 16 Email: lzaragoza@naacpldf.org 17 NAACP Legal Defense and Educational Fund, Inc. 18 40 Rector Street, 5th Floor 19 New York, New York 10006 20 Telephone: 212-965-2200 21 FOR PLAINTIFFS LA UNION DEL PUEBLO ENTERO, SOUTHWEST 22 VOTER REGISTRATION EDUCATION PROJECT, MEXICAN AMERICAN 23 BAR ASSOCIATION OF TEXAS, TEXAS HISPANICS ORGANIZED FOR 24 POLITICAL EDUCATION, JOLT ACTION, WILLIAM C. VELASQUEZ 25 INSTITUTE, FIEL HOUSTON, INC.: Ms. Nina Perales E-mail: nperales@maldef.org Ms. Julia R. Longoria (Via Zoom) E-mail: jllongoria@maldef.org Mexican American Legal Defense and Educational Fund 110 Broadway, Suite 300 San Antonio, Texas 78205 Telephone: 210-224-5476 Ms. Jasmine Johnson (Via Zoom) Fried, Frank, Harris, Shriver & Jacobson, LLP One New York Plaza New York, New York 10004 Telephone: 212-859-8000 E-mail: jasmine.johnson@friedfrank.com</p>	<p style="text-align: right;">Page 5</p> <p>1 FOR DEFENDANT HIDALGO COUNTY CRIMINAL DISTRICT ATTORNEY 2 RICARDO RODRIGUEZ, JR.: 3 Ms. Jacqueline Villarreal (Via Zoom) 4 Assistant District Attorney 5 FOR DALLAS COUNTY: 6 Ms. Barbara Nicholas (Via Zoom) 7 Dallas District Attorney's Office 8 9 FOR DEFENDANTS GUERRERO & GARZA: 10 Mr. Anthony "Tony" Nelson (Via Zoom) 11 Assistant Travis County Attorney 12 E-mail: tony.nelson@traviscountytx.gov 13 14 FOR UNITED STATES OF AMERICA: 15 Mr. Jaywin Singh Malhi (Via Zoom) 16 Trial Attorney 17 Civil Rights Division, Voting Section 18 US Department of Justice 19 Telephone: 202-598-0146 20 E-mail: jaywin.malhi@usdoj.gov 21 FOR DEFENDANT BEXAR COUNTY ELECTIONS ADMINISTRATOR 22 JACQUELYN CALLANEN: 23 Ms. Lisa V. Cubriel 24 Assistant District Attorney -- Civil Division 25 101 W. Nueva, 7 h Floor San Antonio, Texas 78205-3030 Telephone: 210-335-2142 E-mail: Lisa.Cubriel@bexar.org FOR DEFENDANTS: Ms. Kathleen T. Hunker Special Counsel kathleen.hunker@oag.texas.gov Office of the Attorney General P. O. Box 12548 (MC-009) Austin, Texas 78711-2548 Telephone: 512-463-2100</p>

Jacquelyn Callanen

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<p>Page 6</p> <p>1 ALSO PRESENT: 2 Mr. Sam Fishman (Via Zoom) 3 Mr. Patrick Pope (Via Zoom) 4 Mr. Trey Grun, Videographer 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 8</p> <p>1 VIDEOGRAPHER: Good morning. Today's date 2 is Wednesday, April 20th, 2022. The time is 9:27 a.m. 3 We are on the record. Will counsel and all parties 4 present please state their appearances and whom they 5 represent? 6 MR. WHITE: Graham White on behalf of 7 Elias Law Group representing the LULAC plaintiffs. 8 MS. PERALES: Nina Perales with MALDEF 9 representing the LUPE plaintiffs. And with me today is 10 Julia Longoria. 11 MS. CUBRIEL: Lisa Cubriel from the Bexar 12 County District Attorney's office here today 13 representing the named defendant Jacquelynn Callanen. 14 MS. SISCO: Ciara Sisco with the NAACP 15 Legal Defense and Educational Fund representing the HAUL 16 plaintiffs. 17 MS. HUNKER: Kathleen Hunker with the 18 Texas Attorney's General Office representing the state 19 defendants. 20 VIDEOGRAPHER: Will the court reporter 21 please swear in the witness? 22 JACQUELYNN CALLANEN, 23 having been first duly sworn, testified as follows: 24 EXAMINATION 25</p>
<p>Page 7</p> <p>1 2 INDEX PAGE 3 4 JACQUELYNN CALLANEN 5 Examination by Mr. White8 6 Examination by Ms. Perales169 7 Examination by Ms. Sisco255 8 Examination by Mr. Mahli310 9 Examination by Ms. Hunker321 10 Court Reporter's Certificate355 11 12 EXHIBITS 13 14 EXHIBIT DESCRIPTION PAGE 15 A Plaintiff's Amended Notice of 11 16 Rule 30(b)(6) Deposition to the 17 Office of the Bexar County 18 Elections Administrator 19 B SB-1 78 20 C Don't Forget your ID Numbers! 127 21 D Oaths 234 22 E Oath of Assistance 234 23 F Certified Summary Results 271 24 Report, Joint General, Special, 25 Charter and Bond Election, November 3, 3030 G KSAT-12 Article 274</p>	<p>Page 9</p> <p>1 BY MR. WHITE: 2 Q. Ms. Callanen, good to see you again. 3 A. Hi, Graham. Jackie, please, it is easier. 4 Q. Well, I think for the record I will stick with 5 Ms. Callanen just so we have a clean transcript if you 6 don't mind. As you know, my name is Graham White. I 7 represent the LULAC plaintiffs in this case. There are 8 other lawyers here for the plaintiffs who will be asking 9 questions after me but I am going to sort of get us 10 started. And I know you were just sworn in but can you 11 please state your full name for the record? 12 A. Sure. Jacquelynn Fay Callanen. 13 Q. Can you also please state your business 14 address? 15 A. 1103 South Frio, San Antonio, 78207. 16 Q. And you have been deposed before; correct? 17 A. Yes, sir. 18 Q. So I won't take too long going over some of the 19 ground rules but I did want to hit a couple of the most 20 important basics. So you understand that your answers 21 here today are under oath meaning that the oath you take 22 today is the same as if you were swearing an oath in 23 open court? 24 A. Yes, sir. 25 Q. If any question that I ask you is unclear, will</p>

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<p style="text-align: right;">Page 126</p> <p>1 that there was potentially a problem with ballots 2 getting rejected? 3 A. Ballots or applications? 4 Q. I'm sorry. Applications being rejected. 5 A. Again, probably by the third week of January. 6 Q. And in between say late January and the March 7 primary, did your office take additional steps to 8 educate voters and the requirements? 9 A. Yes, we updated the web site. We put the 10 envelopes out there and just tried to get as much of the 11 word out to the media, that kind of stuff. 12 Q. When you say media, are you referring to media 13 appearances by yourself or -- 14 A. Myself, yes. 15 Q. And what platforms would you typically use? 16 A. Just have news conferences. 17 Q. Did you seek any approval from -- sorry. 18 Strike that. Did you contact the secretary of state's 19 office before doing media appearances about -- 20 A. No, sir. 21 Q. Since the March primary, do you have additional 22 plans to engage in proactive voter education about the 23 mail-in identification provisions? 24 A. Again, yes, sir. And I showed you the insert 25 that we have gone to for great planning.</p>	<p style="text-align: right;">Page 128</p> <p>1 application and mail ballot return. So we inserted 2 these in every one of the mail ballots that we have sent 3 out for the May 7th election. And again, we are going 4 to change it just a little bit to take the color teal 5 off of it so that is generic for the 24th. And then we 6 will revisit this over the summer to see if we can tweak 7 it in some way or, you know, is our learning curve 8 smoothing out now and are we passed all of this? So we 9 will definitely revisit it in the summer. 10 Q. When did you decide to put something like this 11 together? 12 A. Probably, probably two weeks before the March 13 1st ones. Once we were seeing these rejection things, I 14 mean we, myself and the mail room people were basically 15 just -- we have to do something. What with we going to 16 do? How are we going to do this? What are we going to 17 do? And that seemed to have been a theme across the 18 state because -- and we got a message after March 1st. 19 We all received a message from the secretary of state's 20 office saying if you are thinking of doing anything, we 21 have to approve it before. So that led us to believe 22 that more, you know, wasn't just a Bexar County thing. 23 It was more widespread. And so a lot of us did these. 24 I was in touch with Christina Adkins and 25 she sent me the one the state had come up with after</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Right. So I would like to talk about that and 2 we will mark this as -- 3 REPORTER: C. 4 Q. (By Mr. White) -- C. 5 MS. PERALES: No, we have a different 6 piece of paper. Here we go. Thank you. 7 THE WITNESS: I still have this many. 8 MS. PERALES: I think you should mark 9 this. We did this for you. 10 (Exhibit C marked) 11 Q. (By Mr. White) Okay. I would like to mark 12 something else as Exhibit C which this is in paper 13 format which I think might be easier for folks to -- 14 A. You don't want to pick my strips up off the 15 ground? 16 Q. This might be easier for everyone. 17 A. Thanks, Nina. 18 MS. PERALES: I will be checking the 19 translation while you all discuss. 20 Q. (By Mr. White) Okay. So are you familiar with 21 this exhibit that I have just passed you? 22 A. Yes, sir. 23 Q. What is it? 24 A. It is our attempt at correcting a lot of the 25 errors that we saw in the March 1st mail ballot</p>	<p style="text-align: right;">Page 129</p> <p>1 much thought. And we killed that one and said no, that 2 was just way too wordy. It was way too legalese. It 3 wasn't in like common -- what we need. And so we got 4 permission to use ours. 5 So I don't know how many different ones of 6 these are around the state. But again, they recognize 7 that I guess a lot of us were saying we have to do 8 something. We have to do something. 9 Q. Let me go back and ask you first about the 10 message from the secretary of state's office that you 11 referenced on March 1st. Was this sort of -- was this 12 an advisory from the secretary of state's office sent to 13 you? 14 A. Not an advisory. Just an email. We get them 15 from -- they will just do blasts I guess is the term. 16 And it was saying if you are thinking of doing anything 17 and you want to put an insert in, make sure we approve 18 it. 19 Q. Okay. Was this email sent out to all county 20 election administrators? 21 A. I am sure everyone, yes. 22 Q. Is this email something you have produced in 23 discovery at this point? 24 A. No, I didn't even think to, no. I'm sorry. 25 Q. And what was -- can you be more specific about</p>

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<p style="text-align: right;">Page 214</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Those were mail ballots?</p> <p>3 A. Yes, ma'am, that were returned to us and that</p> <p>4 the ballot board rejected, yes, ma'am.</p> <p>5 Q. And that number is 3,940. And then you have</p> <p>6 837 that were cured.</p> <p>7 A. That came in to cure out of that 39. So that</p> <p>8 is 20 percent -- 20 some percent.</p> <p>9 Q. So I am getting 3,103.</p> <p>10 A. That did not --</p> <p>11 Q. That did not cure.</p> <p>12 A. Okay. 3,103?</p> <p>13 Q. Yeah, 3,103. So that is 1,117 plus 2,823 minus</p> <p>14 837 gets us 3,103.</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. So how would we describe that 3,103? 3,103 are</p> <p>17 the number of voters in Bexar County who sent you a mail</p> <p>18 ballot. You could not match the ID number and they</p> <p>19 didn't cure in time so their vote was not counted.</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Now, do you have a sense of how many</p> <p>22 people sent you an application for a mail ballot and you</p> <p>23 couldn't match their number and you never got a cured</p> <p>24 application for mail ballot from them?</p> <p>25 A. No, that we didn't track. Like I said, we</p>	<p style="text-align: right;">Page 216</p> <p>1 particular?</p> <p>2 A. I don't.</p> <p>3 Q. Is that because you weren't tracking those</p> <p>4 individual voters?</p> <p>5 A. Correct. Again, because the system we have had</p> <p>6 no coding for it in there. Previously, it had never</p> <p>7 been an issue. It was handled manually. If something</p> <p>8 came in and we had to reject it, we sent something out</p> <p>9 and we literally kept it in a box. I mean we kept it</p> <p>10 filed. We knew where it was. But the computer system,</p> <p>11 the database didn't even have the codes in there.</p> <p>12 Q. Do you recall your office receiving any phone</p> <p>13 calls from voters who said I received a second</p> <p>14 application for ballot by mail from you and I filled</p> <p>15 that one out too and I still got rejected?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know how many voters were twice</p> <p>18 rejected?</p> <p>19 A. No, no, that would have been anecdotally. But</p> <p>20 yes, we would hear it.</p> <p>21 Q. And I will represent to you that El Paso County</p> <p>22 got some pretty angry phone calls from voters.</p> <p>23 A. So did we. So did we. And again, as I spoke</p> <p>24 before, we had to have a meeting with the staff to allow</p> <p>25 them to say they don't deserve to be spoken to like</p>
<p style="text-align: right;">Page 215</p> <p>1 didn't have that system in place.</p> <p>2 Q. Do you know how many times you mailed out to a</p> <p>3 voter a new application for ballot by mail because you</p> <p>4 weren't able to verify the first time?</p> <p>5 A. Again, we didn't track that. We didn't know it</p> <p>6 would be --</p> <p>7 Q. So would you agree with me there is some number</p> <p>8 of people who sent an application for ballot by mail and</p> <p>9 you couldn't match their number and they were unable to</p> <p>10 cure and so they never received a mail ballot?</p> <p>11 MS. HUNKER: Objection, form.</p> <p>12 THE WITNESS: Correct, although we did</p> <p>13 send rejects to them and new applications up to the</p> <p>14 point where the gate came down and it was closed. So</p> <p>15 again, I just don't know what that push/pull was.</p> <p>16 Q. (By Ms. Perales) It is also possible, isn't it,</p> <p>17 and this would be a terrible situation. But if the</p> <p>18 voter sent you the first application for ballot by mail</p> <p>19 and put the driver's license and you couldn't match the</p> <p>20 driver's license, so you sent them a new application for</p> <p>21 ballot by mail and they put the social down, and then</p> <p>22 you couldn't match the social either, that could happen;</p> <p>23 couldn't it?</p> <p>24 A. Oh, sure.</p> <p>25 Q. And do you know if it happened for anybody in</p>	<p style="text-align: right;">Page 217</p> <p>1 that. So and again, in all of the years I have been</p> <p>2 here, I have never had to have a meeting like that, to</p> <p>3 even say something like that because we are a customer</p> <p>4 service driven organization and that is part of who we</p> <p>5 are. And we had to do that for the first time and that</p> <p>6 was sad.</p> <p>7 Q. Did you have any voters call with confusion</p> <p>8 about the verifying of the numbers on the mail ballot</p> <p>9 applications or mail ballots who were Spanish speaking</p> <p>10 voters?</p> <p>11 A. Oh, sure.</p> <p>12 Q. Did you have a Spanish speaking staff person</p> <p>13 who would talk to them on the phone?</p> <p>14 A. Yes, ma'am. Yes, ma'am.</p> <p>15 Q. You mentioned that at some point, you started</p> <p>16 sending voter registration forms to voters who had --</p> <p>17 who were obviously already registered --</p> <p>18 A. Correct.</p> <p>19 Q. -- but for whom you couldn't get some kind of</p> <p>20 number on them?</p> <p>21 A. Correct.</p> <p>22 Q. Did you receive any phone calls from voters who</p> <p>23 were confused about why you were sending them a voter</p> <p>24 registration form?</p> <p>25 A. Yes, ma'am.</p>

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<p style="text-align: right;">Page 274</p> <p>1 THE WITNESS: Maybe not. Let's stay to 2 five percent. 3 Q. (By Ms. Sisco) Okay. All right. And I am 4 going to enter another. So I am going to enter this as 5 Exhibit -- 6 REPORTER: G. 7 (Exhibit G marked) 8 Q. (By Ms. Sisco) -- G, thank you. Mr. Callanen, 9 can you tell me what this is? Actually, it is kind of 10 hard to see. Forgive the printing here. Can you tell 11 what this is? And if not -- 12 A. I think it is a news article. 13 Q. Yes. So that's right. This is a KSAT.com 14 article entitled more than 1900 Bexar County mail 15 Ballots rejected following new voting law requirement. 16 A. Right. 17 Q. And this is from March 8th so these numbers are 18 not final. 19 A. Correct. 20 Q. So I am going to direct your attention to the 21 back of this front page here. The second to last 22 paragraph starts on election night. 23 A. Uh-huh. 24 Q. Can you read that -- those two sentences for 25 me?</p>	<p style="text-align: right;">Page 276</p> <p>1 MS. HUNKER: Objection, form. 2 THE WITNESS: I am not sure I understand. 3 We are still talking about the primary 2022? What 4 election? 5 Q. (By Ms. Sisco) Yes, yes, sure. 6 A. Like I say, we cured 837. And prior to that, 7 we didn't see people coming in to cure their ballots 8 because that was not an option for our senior citizens 9 voting. 10 Q. Right. And but when we are talking about like 11 the number, I think I can pull it up. It was like a 12 3000 number. Hold on. 13 A. Oh, our 31 when we all did the math? 14 Q. Exactly, that number. 15 A. 3103. 16 Q. Yes, okay. Thank you. Does that include 17 ballots that were cured? Well, now I am confused. 18 Strike that. Sorry. 19 A. Now I am confused. I am not sure we added 20 those two numbers -- 21 MS. HUNKER: Objection, form. 22 THE WITNESS: -- but then I don't know if 23 we subtracted them or not. 24 Q. (By Ms. Sisco) And now I have lost my place in 25 both my outline and my notes looking for the --</p>
<p style="text-align: right;">Page 275</p> <p>1 A. Where it says on election night? 2 Q. Yes. 3 A. Callenan told reporters that the county was 4 running about a 35 percent rejection rate for mail 5 ballots before SB-1 went into effect. She says a 6 typical election would probably be two or three percent 7 rejection rate. 8 Q. Thank you. 9 A. So again, not taking into account that massive 10 election in 2020. 11 Q. Yes, okay. Got it. And so obviously that 12 35 percent reduction rate is no longer accurate; 13 correct? 14 A. Correct, it went down. 15 Q. And would you say that the two or three percent 16 is typical still? 17 A. Yeah, somewhere in there. 18 Q. Okay. Okay. Great. I just wanted to make 19 sure we are on the same page. So is it fair to say that 20 the number of mail ballots rejected in the March primary 21 is significantly greater than in years past? 22 A. Yes. 23 Q. And when we talk about mail ballots that are 24 ultimately rejected, is that number inclusive of mail 25 ballots that were cured?</p>	<p style="text-align: right;">Page 277</p> <p>1 A. My note said the 3103 did not cure. So 837 2 cured. 3 Q. Okay. Exactly. 4 A. That is what my notes say. 5 Q. Thank you. Yes. I'm sorry. Thank you both. 6 Okay. And then I'm sorry but now I lost my place here. 7 Okay. So that 31 and change number did not include 8 people that cured? 9 A. Correct. 10 Q. Okay. And did that include people who spoiled 11 their mail-in ballot to just go vote in person? 12 A. No. 13 Q. So that number, the 31 and change, that number 14 of mail ballots rejected represents individuals who 15 attempted to submit a ballot but did not have their vote 16 counted; is that right? 17 A. Correct. 18 Q. And those people never got to participate in 19 the March primary? 20 A. Correct. 21 MS. HUNKER: Objection, form. 22 Q. (By Ms. Sisco) Does that greater number of 23 rejected ballots concern you? 24 A. Oh, sure. These are our voters. 25 Q. Can you tell me more about that?</p>

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<p style="text-align: right;">Page 278</p> <p>1 A. Again, every one of these voters is important. 2 Every one of them is a vote. And when we disenfranchise 3 or we lose one, that is not right. That is not what we 4 are in business for. 5 Q. Thank you. And have you -- actually, scratch 6 that because you have answered it already. Do you have 7 any reason to believe that this significantly larger 8 number of rejected of people who had their ballots 9 rejected are not otherwise eligible voters? 10 MS. HUNKER: Objection, form. 11 THE WITNESS: I'm sorry. I don't 12 understand. 13 Q. (By Ms. Sisco) I can rephrase. Do you have any 14 reason to believe that the people -- that the majority 15 of the people whose votes weren't counted because they 16 were rejected, do you think that they are -- do you 17 think there is voter fraud going on there or do you 18 think they are eligible voters who misunderstood or 19 messed up? 20 MS. HUNKER: Objection, form. 21 THE WITNESS: I think they were eligible 22 voters. 23 Q. (By Ms. Sisco) Do you think the SB-1, this ID 24 number requirement confused voters? 25 A. Yes.</p>	<p style="text-align: right;">Page 280</p> <p>1 A. Again, there was a strong hesitancy of sending 2 information like that over the internet in an email. 3 And I don't blame them. 4 Q. Understood. And would they provide an updated 5 number by phone? 6 A. No. 7 Q. Okay. And we talked about they could 8 theoretically do it online but it didn't work and only 9 39 voters were able to do that? 10 A. Correct. 11 Q. Okay. Can a voter -- could a voter who came in 12 person to cure their ballot, could they do that curbside 13 or would they have to physically go into your office and 14 talk to an elections worker? 15 A. We did provide curbside for that. 16 Q. Okay. Great. And we have talked a lot about 17 the steps that your office, the various steps that your 18 office has taken to help voters kind of understand and 19 cure their ballot issues. Do you remember that? 20 A. Yes. 21 Q. And one of the things you mentioned is that 22 your office started advising people to just put both 23 numbers on everything? 24 A. Correct. 25 Q. When did you start advising that?</p>
<p style="text-align: right;">Page 279</p> <p>1 Q. Did the secretary of state provide adequate 2 guidance on this requirement to voters? 3 A. In my opinion which is only an opinion, the 4 answer would be no. 5 Q. And has -- do you think the secretary of state 6 has provided additional -- since the March 2022 primary, 7 do you think that now the secretary of state has 8 provided adequate guidance to voters? 9 A. No. 10 Q. Okay. Thank you. So we talked a lot about how 11 people can come in person to cure their votes? 12 A. Yes. 13 Q. Okay. And I believe you said that they 14 could -- you, if their application is rejected, you were 15 just sending them a new application? 16 A. Correct. 17 Q. So could they have returned that by mail? 18 A. Absolutely. 19 Q. Okay. Do you know how many people did that? 20 A. No. As I said, we weren't tracking that at the 21 time. 22 Q. And could they provide like their number? 23 Could they cure it by email? 24 A. They could but they didn't. 25 Q. Okay.</p>	<p style="text-align: right;">Page 281</p> <p>1 A. When it became apparent that we had a problem. 2 Q. And when was that? 3 A. You know, probably like the third week of 4 January. 5 Q. Okay. And why did you start advising that? 6 A. Again, because we were noticing that we were 7 getting the wrong number. I don't want to say it is the 8 wrong number. The other number. 9 Q. Got it. Okay. And you also mentioned that 10 your office sent voter registration cards with new 11 applications when the original was rejected; correct? 12 A. Correct. 13 Q. Did that require the use of resources like 14 staff or funding to do that that wasn't necessary in 15 prior elections? 16 A. Correct. 17 Q. Can you describe a little bit what additional 18 resources were required? 19 A. I mean, again, you have the staff time to do 20 it. You have the cost of the new voter registration 21 card. You have the cost of the mailer. You have your 22 envelopes that are nine cents a piece. You have your 23 application, the new application. You have the new 24 voter registration card and you are going to pay the 25 postage out. So each one was a necessary financial</p>

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<p style="text-align: right;">Page 310</p> <p>1 Q. Was the response provided in written or oral 2 format? Scratch that. Does the secretary of state 3 provide any written guidance to you regarding the ADA? 4 MS. HUNKER: Objection, form. 5 THE WITNESS: No. 6 Q. (By Ms. Sisco) Has the secretary of state 7 provided any written guidance pertaining to the ADA and 8 SB-1 specifically? 9 A. No. 10 Q. Does the secretary of state provide any 11 training to you -- never mind. 12 MS. SISCO: Okay. Thank you. That's it. 13 I will turn the witness over. Can we go off the record? 14 VIDEOGRAPHER: Yes. The time is 6:11 p.m. 15 We are off the record. 16 (Recess taken) 17 VIDEOGRAPHER: The time is 6:12 p.m. We 18 are back on the record. 19 EXAMINATION 20 BY MR. MALHI: 21 Q. Hi, Ms. Callanen. My name is Jaywin and I am 22 one of the attorneys on behalf of the United States. I 23 am mindful of the time so if it works for you, can we 24 just jump into the questions? 25 A. Please.</p>	<p style="text-align: right;">Page 312</p> <p>1 A. Yes. Basically, we used whichever is the 2 shortcut. If they have their voter registration number 3 on that card, which a number of the consultants do, we 4 put in that ten digit number and it brings up their 5 record. If the card does not have their voter 6 registration number on it, then we have to put in their 7 name. And then at some point, we have to put in their 8 birth date. 9 For instance, if we had Joe Smith, it 10 would bring up 97 of them. And so to narrow the field, 11 then we would put in the birth date. So it is different 12 depending on the application. 13 Q. Understood. So now post-SB-1, now that SB-1 14 has come into effect, how do you determine that the 15 voter who submits a mail ballot material is an eligible 16 registered voter? 17 A. Again, we do the same data entry at that point 18 using one of the points I just spoke to. But when it 19 brings the record up, we have adjusted our screens so 20 that it will go and pull in whether there is a TDL or 21 the last four of the SSN. 22 Q. Got it. So when you are actually typing in the 23 voter now post-SB-1 to look up their record, are you 24 typing in their Texas driver's license number or the 25 last four digits of their social security number or some</p>
<p style="text-align: right;">Page 311</p> <p>1 Q. My first set of questions is about your 2 validation process for mail ballot materials. And just 3 to make sure we are on the same page, when I use the 4 term mail ballot materials, I am using that generically 5 to encompass both applications for ballot by mail but 6 also the mail ballot carrier envelopes. So take us -- 7 let's think back to pre-SB-1, before SB-1 was in effect. 8 A. Yes. 9 Q. How did your office determine that the voter 10 who sent in mail ballot material was an eligible 11 registered voter? 12 A. Again, once the application reaches us, when we 13 enter it into the database, it is either a voter -- and 14 our system is set up that -- in such a way -- excuse 15 me -- that when we touch that record in an election, it 16 will actually tell the data processor the age of the 17 voter. They don't have to figure out using years of 18 birth. 19 Q. Understood. And now when you are actually 20 looking up that voter in your database to confirm they 21 are eligible and registered, what pieces of information 22 are you entering to actually pull up the voter's record? 23 A. It -- 24 Q. Just to clarify -- sorry. This is pre-SB-1, 25 what information were you entering?</p>	<p style="text-align: right;">Page 313</p> <p>1 other piece of information first? 2 A. No, we are using the same information that we 3 used pre-SB-1. We are putting in their voter 4 registration number or their first and last name and 5 their birth date. 6 Q. And then -- sorry. Go ahead. 7 A. We do not type in the TDL or the SSN. 8 Q. But I understand that after you pulled up the 9 voter record, the voter registration record, you will 10 then cross check the ID number; right? The Texas 11 driver's license or the social security number; is that 12 correct? 13 A. Yes, we had our vendor modify our system, 14 upgrade it so that those numbers appear on the 15 right-hand side of the screen if they are there. 16 Q. So now pre-SB-1 again, how long on average 17 would you estimate it took your office to process a 18 single -- let's say application for ballot by mail? 19 A. I think they can absolutely process them within 20 three minutes. 21 Q. And now post-SB-1, on average, how long do you 22 think it takes to process on average a single 23 application for ballot by mail? 24 A. Prior -- to answer your question, as we started 25 at the beginning of SB-1, we were processing it the same</p>

Don't Forget Your ID Numbers!

REQUIRED INFORMATION: YOU MUST PROVIDE ONE OF THE FOLLOWING NUMBERS AND IT MUST BE ASSOCIATED WITH YOUR VOTER REGISTRATION RECORD		
<p>Texas Driver's License or Texas Personal Identification Card or Election Identification Certificate Number issued by the Texas Department of Public Safety (NOT your Voter Registration VUID #) (Número de licencia de conducir de Texas o Número de identificación Personal o Certificado de identificación Electoral expedido por el Departamento de Seguridad Pública de Texas, pero no el número de Registro Electoral VUID#)</p> <p>XXXX-XX-</p>	<p>If you do not have a Texas Driver's License or Personal Identification Card or a Texas Election Identification Certificate Number, give the last 4 digits of your Social Security Number (Si no tiene licencia de conducir de Texas o Número de identificación Personal o Certificado de identificación Electoral expedido por el Departamento de Seguridad Pública de Texas, proporcione los 4 últimos dígitos de su número de Seguro Social)</p> <p>XXXX-XX-</p>	<p>If I have not been issued a Texas Driver's License or Texas Personal Identification Card or Texas Election Identification Certificate or a Social Security Number (No me han expedido una licencia de conducir de Texas o Número de identificación Personal o Certificado de identificación Electoral expedido por el Departamento de Seguridad Pública de Texas ni un número de Seguro Social)</p>

Under the flap on your teal and white carrier envelope, where it says "Required Information," you must provide at least one of the required ID numbers. **We recommend providing both.**

No Olvides Tu Número de Identificación!

REQUIRED INFORMATION: YOU MUST PROVIDE ONE OF THE FOLLOWING NUMBERS AND IT MUST BE ASSOCIATED WITH YOUR VOTER REGISTRATION RECORD		
<p>Texas Driver's License or Texas Personal Identification Card or Election Identification Certificate Number issued by the Texas Department of Public Safety (NOT your Voter Registration VUID #) (Número de licencia de conducir de Texas o Número de identificación Personal o Certificado de identificación Electoral expedido por el Departamento de Seguridad Pública de Texas, pero no el número de Registro Electoral VUID#)</p> <p>XXXX-XX-</p>	<p>If you do not have a Texas Driver's License or Personal Identification Card or a Texas Election Identification Certificate Number, give the last 4 digits of your Social Security Number (Si no tiene licencia de conducir de Texas o Número de identificación Personal o Certificado de identificación Electoral expedido por el Departamento de Seguridad Pública de Texas, proporcione los 4 últimos dígitos de su número de Seguro Social)</p> <p>XXXX-XX-</p>	<p>If I have not been issued a Texas Driver's License or Texas Personal Identification Card or Texas Election Identification Certificate or a Social Security Number (No me han expedido una licencia de conducir de Texas o Número de identificación Personal o Certificado de identificación Electoral expedido por el Departamento de Seguridad Pública de Texas ni un número de Seguro Social)</p>

Bajo la solapa del sobre de envío color verde azulado y blanco, en donde dice "Información Requerida," debe usted proveer al menos uno de los números de ID requeridos. **Nosotros recomendamos que escriba los dos.**



EXHIBIT

94

Charlie Johnson

March 29, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
5:21-cv-0844-XR
TEXAS, ET AL.,) (
Defendants.) (

OCA-GREATER HOUSTON, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
1:21-cv-0780-XR
TEXAS SECRETARY OF STATE) (
JANE NELSON, ET AL.,) (
Defendants.) (

HOUSTON AREA URBAN LEAGUE, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
5:21-cv-0848-XR
GREGORY WAYNE ABBOTT, ET AL.,) (
Defendants.) (

LULAC TEXAS, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
1:21-cv-0786-XR
JANE NELSON, ET AL.,) (
Defendants.) (

MI FAMILIA VOTA, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
5:21-cv-0920-XR
GREG ABBOTT, ET AL.,) (
Defendants.) (

Charlie Johnson

March 29, 2023

Pages 2 to 5

Page 2	Page 4
<p>1 THE UNITED STATES OF AMERICA,)(</p> <p>2 Plaintiff,)(</p> <p>3)(Case No.</p> <p>4 V.)(5:21-cv-1085-XR</p> <p>5 STATE OF TEXAS, ET AL.,)(</p> <p>6 Defendants.)(</p> <p>7 *****</p> <p>8 ORAL 30(b)(6) DEPOSITION OF</p> <p>9 TRAVIS COUNTY CLERK'S OFFICE</p> <p>10 TESTIMONY OF CHARLIE JOHNSON</p> <p>11 March 29, 2023</p> <p>12 *****</p> <p>13 ORAL DEPOSITION OF CHARLIE</p> <p>14 JOHNSON, produced as a witness at the instance of the</p> <p>15 Consolidated Plaintiffs, and duly sworn, was taken in</p> <p>16 the above-styled and numbered cause on the 29th day of</p> <p>17 March, 2023, from 10:38 a.m. to 1:10 p.m., before</p> <p>18 STEPHANIE DAVIS, CSR, in and for the State of Texas,</p> <p>19 reported by oral stenograph, at the Travis County</p> <p>20 Attorney's Office, 314 West 11th Street, Fifth Floor,</p> <p>21 Austin, Texas, pursuant to the Federal Rules of Civil</p> <p>22 Procedure and the provisions stated on the record or</p> <p>23 attached herein.</p> <p>24</p> <p>25</p>	<p>1 FOR THE STATE OF TEXAS, GREG ABBOTT, IN HIS OFFICIAL</p> <p>2 CAPACITY AS GOVERNOR OF TEXAS; JANE NELSON, IN HER</p> <p>3 OFFICIAL CAPACITY OF THE TEXAS SECRETARY OF STATE;</p> <p>4 WARREN K. PAXTON, IN HIS OFFICIAL CAPACITY AS THE</p> <p>5 TEXAS ATTORNEY GENERAL:</p> <p>6 LOUIS J. CAPOZZI (Appeared Remotely)</p> <p>7 JONES DAY</p> <p>8 51 Louisiana Avenue, Northwest</p> <p>9 Washington, DC 20001</p> <p>10 lcapozzi@jonesday.com</p> <p>11</p> <p>12 FOR DAN HAYES, CHARLIE JOHNSON, AND BRIDGETTE</p> <p>13 ESCABEDO, IN THEIR OFFICIAL CAPACITIES AS TRAVIS</p> <p>14 COUNTY CLERKS AND DISTRICT ATTORNEY, RESPECTIVELY:</p> <p>15</p> <p>16 ANTHONY J. NELSON</p> <p>17 PATRICK T. POPE</p> <p>18 TRAVIS COUNTY ASSISTANT COUNTY ATTORNEY</p> <p>19 314 West 11th Street, Fifth Floor</p> <p>20 Austin, Texas 78767</p> <p>21 tony.nelson@traviscountytexas.gov</p> <p>22 patrick.pope@traviscountytexas.gov</p> <p>23</p> <p>24 FOR HIDALGO COUNTY ELECTIONS ADMINISTRATOR DELIA</p> <p>25 GARZA:</p> <p>26</p> <p>27 LEIGH ANN TOGNETTI (Appeared Remotely)</p> <p>28 ASSISTANT DISTRICT ATTORNEY</p> <p>29 100 East Cano, First Floor</p> <p>30 Hidalgo County Courthouse Annex III</p> <p>31 Edinburg, Texas 78539</p> <p>32 leigh.tognetti@da.co.hidalgo.tx.us</p> <p>33</p> <p>34 ALSO PRESENT:</p> <p>35 GABE HODGE, paralegal for Mr. Nelson</p>
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<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE COURT REPORTER: All right,</p> <p>3 everyone. We are on the record. This is the</p> <p>4 deposition of Charlie Johnson starting at 10:45 a.m.,</p> <p>5 on March 29th, 2023. Will counsel please state their</p> <p>6 appearance for the record.</p> <p>7 MR. NELSON: Yes. Assistant Travis</p> <p>8 County attorney Tony Nelson for the Travis County</p> <p>9 defendants and the witness, Charlie Johnson.</p> <p>10 MR. DOLLING: Zachary Dolling from</p> <p>11 Texas Civil Rights Project on behalf of the OCA</p> <p>12 plaintiffs.</p> <p>13 MR. WASSDORF: Will Wassdorf with the</p> <p>14 office of the Attorney General on behalf of State</p> <p>15 defendants.</p> <p>16 MR. BARNES: Aaron Barnes with the</p> <p>17 office of the Attorney General on behalf of State</p> <p>18 defendants.</p> <p>19 MS. WARMS: Veronikah Warms with the</p> <p>20 Texas Civil Rights Project on behalf of the OCA</p> <p>21 plaintiffs.</p> <p>22 MS. PAIKOWSKY: Dana Paikowsky on the</p> <p>23 behalf of the United States.</p> <p>24 MR. MIRZA: Hani Mirza on behalf of the</p> <p>25 OCA plaintiffs with the Texas Civil Rights Project.</p>	<p style="text-align: right;">Page 8</p> <p>1 for me to finish talking as well?</p> <p>2 A. I will.</p> <p>3 Q. Thank you. If you don't understand a</p> <p>4 question, will you please let me know?</p> <p>5 A. Yes.</p> <p>6 Q. And if you do answer without asking for</p> <p>7 clarification, I'm going to assume that you understood</p> <p>8 the question; is that fair?</p> <p>9 A. It is.</p> <p>10 Q. Your attorney may object to a question,</p> <p>11 after which you must still answer unless they</p> <p>12 specifically instruct you not to. Do you understand?</p> <p>13 A. I do.</p> <p>14 Q. And if at any time you want to take a break,</p> <p>15 just let me know. All I ask is that if there is a</p> <p>16 pending question, you answer it before we take that</p> <p>17 break. Is that okay?</p> <p>18 A. That is.</p> <p>19 Q. Is there -- have you taken any prescription</p> <p>20 medications, alcohol, drugs, suffered any condition or</p> <p>21 injury or otherwise have reason to believe that you</p> <p>22 might be impaired in testifying truthfully and</p> <p>23 accurately today?</p> <p>24 A. No.</p> <p>25 Q. And finally, I'd like to remind you that you</p>
<p style="text-align: right;">Page 7</p> <p>1 CHARLIE JOHNSON,</p> <p>2 having been duly sworn, testified as follows:</p> <p>3 THE COURT REPORTER: Sir, on Zoom, if</p> <p>4 you'd like to go ahead and identify yourself.</p> <p>5 MR. BROUGHTON: Kenneth Broughton for</p> <p>6 et al plaintiffs.</p> <p>7 THE COURT REPORTER: All right. If</p> <p>8 that's everyone, we'll go ahead and proceed.</p> <p>9 EXAMINATION</p> <p>10 BY MR. DOLLING:</p> <p>11 Q. Good morning, Mr. Johnson. My name is Zach</p> <p>12 Dolling. Thank you for being here today. Could you</p> <p>13 please state your name and spell it for the record?</p> <p>14 A. Charlie Johnson, C-H-A-R-L-I-E</p> <p>15 J-O-H-N-S-O-N.</p> <p>16 Q. For the benefit of the court reporter and</p> <p>17 the people attending via Zoom who may not be able to</p> <p>18 see you well, will you please provide verbal answers</p> <p>19 like yes and no rather than nodding or shaking your</p> <p>20 head?</p> <p>21 A. Yes.</p> <p>22 Q. It's also important that we don't speak over</p> <p>23 one another so that the court reporter can get a clean</p> <p>24 record of what's said. I'll do my best to wait for</p> <p>25 you to finish talking. Can you do your best to wait</p>	<p style="text-align: right;">Page 9</p> <p>1 are under oath and subject to federal penalties for</p> <p>2 false or misleading testimony. It's important that</p> <p>3 you answer my questions fully, completely, and</p> <p>4 truthfully; do you understand?</p> <p>5 A. I do.</p> <p>6 Q. And do you have any questions for me before</p> <p>7 we get started?</p> <p>8 A. I do not.</p> <p>9 Q. Okay. I believe in front of you, you have</p> <p>10 something that should be marked as Exhibit 1 -- it's</p> <p>11 one of those two -- and if you could just flip through</p> <p>12 that quickly. Let me know when you're done.</p> <p>13 A. I'm done.</p> <p>14 Q. Have you seen this document before?</p> <p>15 A. I have.</p> <p>16 Q. And I'm just going to read the title, which</p> <p>17 is on page 2, "Second Amended Notice of Rule 30(b)(6)</p> <p>18 Deposition of the office of the Travis County Clerk."</p> <p>19 Did I read that correctly?</p> <p>20 A. You did.</p> <p>21 Q. And do you understand that you are here</p> <p>22 today pursuant to this notice?</p> <p>23 A. I do.</p> <p>24 Q. And do you understand that the Travis County</p> <p>25 Clerk's office has designated you to provide testimony</p>

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<p style="text-align: right;">Page 38</p> <p>1 hundreds. And so I'll just turn to Interrogatory 2 Number -- think it's Number 2, but there's numerous 3 subparts. And this will be on page 4 of 6, and we'll 4 start -- and it's in the middle. And it says, 5 "Interrogatory Number 2 for the November '22 general 6 election and with respect only to timely received 7 ballots by mail," do you see that? 8 A. I do. 9 Q. State -- and then we turn the page to 10 Subpart F. It says, "State the number of ballots by 11 mail finally rejected by Travis County pursuant to 12 SB-1, Sections 5.12, 5.13, and/or 5.14 because the 13 information provided by the voter did not identify the 14 same voter identified on the voter's application for 15 voter registration." Did I read that correctly? 16 A. You did. 17 Q. And that refers to the ID matching 18 requirements of SB-1; is that correct? 19 A. It does. 20 Q. And the answer there is 418 ballots were 21 finally rejected; is that correct? 22 A. That is correct. 23 Q. And so I just wanted to go back -- just to 24 circle back to what you said previously. 25 A. Understood.</p>	<p style="text-align: right;">Page 40</p> <p>1 typically folks that are a little less familiar with 2 computers and the Internet, that sort of thing, it 3 took a little bit longer. And there were occasions 4 where we weren't able to complete the cure process 5 online, and there were indications that they would 6 continue to attempt to do so on their own or seek help 7 or something like that. 8 Q. Are you aware of any voters who were unable 9 to cure and unable to vote in the November 2022 10 general election? 11 A. Well, there were several folks -- there's 12 were 400 or so, as we just saw, that were unable to 13 cure and their ballots were ultimately rejected. 14 Q. Did some voters have difficulty complying 15 with SB-1's mail identification requirement on the 16 front end? For example, providing a wrong 17 identification number are failing to list an 18 identification number at all? 19 A. Yes, there was several, in the hundreds, 20 where folks either entered the wrong -- or placed the 21 wrong number on their application and their ballots or 22 didn't include it at all. And that resulted in a 23 rejection. 24 Q. When you heard from some of the voters who 25 were affected by Senate Bill 1's mail identification</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. And I believe that's all my questions for 2 now; so I can pass the witness. 3 MR. NELSON: Can we go off record 4 before we start further exam? 5 THE COURT REPORTER: We are off the 6 record. 7 (Off the record.) 8 THE COURT REPORTER: All right, 9 everyone. We are back on the record. 10 EXAMINATION 11 BY MS. PAIKOWSKY: 12 Q. All right. Good -- I guess it's still 13 morning. Good morning, Mr. Johnson. My name is Dana 14 Paikowsky. I'm with the United States. So I'm just 15 going to pick up a little bit on -- I will talk 16 louder, and I will pick up on some of what we've been 17 talking about. So your office previously testified 18 that some voters had difficulty complying with the -- 19 SB-1's mail ballot ID requirement. Was that still 20 true during the 2022 general election? 21 A. In the course of reaching out to voters, 22 specifically by phone, there was some difficulty in 23 getting some folks to utilize the tracker, the online 24 Secretary of State tracker. Oftentimes it would 25 require 30 to 40 minutes of someone's time, and</p>	<p style="text-align: right;">Page 41</p> <p>1 requirement, did any voters indicate confusion with 2 the process? 3 A. We had several phone calls. People seeking 4 clarification on how that process would work, yes. 5 Q. So I'm going to turn a little bit to the 6 sort of mechanics of the processing of ABBMs and mail 7 ballots. When your office receives an ABBM, how does 8 your office look up that voter's voter file? 9 A. Depends on the information that they give 10 us. If they provide a VUID, which is the state ID, we 11 typically look it up that way. If not, then we'll do 12 a name and date of birth match to find the voter that 13 matches the information on the rest of the 14 application. 15 Q. The same question for carrier envelopes. 16 How does your office pull up a voter's file once 17 you've received a carrier envelope? 18 A. Well, the carrier envelope includes a unique 19 identification number that is tied specifically to 20 that voter. So it is a much, much simpler process. 21 Once that is received, it can be scanned and tied 22 immediately to that voter that it has been received 23 before it goes onto signature verification to continue 24 verifying all the information on it. 25 Q. And that's a bar code that's on the carrier</p>

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<p style="text-align: right;">Page 42</p> <p>1 envelope that you provide to the voter and to send 2 back to you? 3 A. That's correct. 4 Q. Does your office use the driver's license or 5 social security number for any purpose beyond 6 determining whether an ABBM or mail ballot can be 7 accepted in light of Senate Bill 1? 8 A. Other than as an additional piece of 9 information to help research the voter to find out who 10 the application might be for -- but it would be very 11 rare -- no. 12 Q. Is there ever an instance where -- 13 withdrawn. 14 Can you think of an instance where you were 15 unable to look up a voter based on name, birth date, 16 and other identification -- other information on their 17 ballot aside from a driver's license or social 18 security number? 19 A. That does happen occasionally. 20 Q. Previous to Senate Bill 1, were you ever 21 unable to look up a voter's file with the information 22 provided on an ABBM or carrier envelope? 23 A. Yes. 24 Q. Would you be able to look up -- does your 25 county send out notices of final rejection? This is</p>	<p style="text-align: right;">Page 44</p> <p>1 applications and ballots that we receive in and around 2 an election period. 3 Q. Did you hire -- I'm sorry, withdrawn. 4 Were your needs greater -- hiring needs 5 greater after Senate Bill 1's identification 6 requirements? 7 A. I could not speak to that. I started in 8 2020. We had -- it was a very large election. We had 9 lots and lots of folks, and then -- so I really could 10 not compare the elections under SB-1 to my experience 11 to elections before that, as far as the number of 12 temporary employees we had to hire to handle those 13 tasks. 14 Q. Is there anyone who might be able to? 15 A. It's possible that Bridgette might be able 16 to. 17 Q. So during the November 2022 general 18 election, were there voters who you needed to notify 19 of a ballot defect but did not provide a phone number 20 or an email address? 21 A. Prior to which election? 22 Q. In the November '22 general election? 23 A. Were there voters that we had to notify who 24 did not provide a phone number or email? Yes. 25 Q. And how did you contact those voters?</p>
<p style="text-align: right;">Page 43</p> <p>1 distinct from notices of a ballot defect or any ABBM 2 defect to let people know that their ballot was 3 rejected or their ABBM was rejected. 4 A. Yes, we are required to send out that 5 additional notice indicating that their ballot has 6 been rejected. 7 Q. And how do you provide that notice? 8 A. By mail. And I apologize, I might have said 9 ballot. But if I said ballot, I meant application. 10 That their application had been rejected. 11 Q. What about for ballots? 12 A. Yes, that's a very similar process. After 13 the cure period has ended, we will send out a final 14 rejection notice indicating that their ballot had been 15 finally rejected. 16 Q. For the November 2022 general election, did 17 your office hire employees or contractors to 18 facilitate, support, or assist with mail voting and 19 the implementation of SB-1's identification 20 requirements? 21 A. We hire temporary workers. 22 Q. Why? 23 A. Well, this is a matter of standard operating 24 procedure. For every election, we hire a number of 25 temporary workers to help manage the extra volume of</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Just by mail. 2 Q. In the November 2022 general election, were 3 there voters who did not pick up the phone when they 4 were called? 5 A. Yes. 6 Q. How did you contact those voters? 7 A. By mail or email if they provided it. 8 Q. In the November 2022 general election, were 9 there voters in your county whose mail ballot 10 rejection notice was not mailed until it was too late 11 for them to cure an ID issue? 12 A. For their ballots? 13 Q. Correct. 14 A. I don't think so. 15 Q. So you mentioned previously you send cure 16 notices up until the last day a voter can cure. Were 17 there any voters for whom you had to send notice by 18 mail, but that notice couldn't be sent out until the 19 last day or shortly before the cure period was over? 20 A. Are you referring to applications or to 21 ballots? 22 Q. Ballots. 23 A. For typical ballot by mail voters, the 24 deadline to receive their ballot is typically the next 25 business day after an election, which gives us roughly</p>

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<p style="text-align: right;">Page 46</p> <p>1 a week to have that voter cure if necessary. And we 2 make every effort to get the notice in the mail 3 immediately and initiate those phone calls right away. 4 Typically within 24 hours, if we can. The exception 5 to that would be our SPCA, which oversees military 6 folks who have an additional period of time in which 7 to sent their ballot in. And it is possible that if 8 we receive their ballot on the deadline, there is not 9 enough turnaround to contact that person to have them 10 cured before the deadline. 11 Q. Has your office ever referred -- actually, 12 withdrawn. 13 Based on your experience thus far, do you 14 believe that the rejection rate for ID defects will 15 ever be zero? 16 A. I have never seen rejection rate for ballots 17 at zero. 18 Q. Why do you believe that the rejection rate 19 for ID issues will never be zero? 20 MR. WASSDORF: Objection. Form. 21 A. I couldn't speak to that. 22 Q. Do you believe that human error can impact 23 the ability to comply with the ID provisions of Senate 24 Bill 1? 25 A. I've seen folks transpose a number.</p>	<p style="text-align: right;">Page 48</p> <p>1 ballots by mail and round it to two decimal points for 2 the following elections." And then it asks for the 3 2012 election -- which your office represented it 4 doesn't have numbers for -- as well as the 2014 5 election. But then, for the 2016 election, it reads 6 .98; for the November 2018 election, it reads .47; for 7 the 2020 election, it reads .42; and the November 2022 8 general election, it reads 2.16. Why, in your 9 experience processing ballots, was the rejection rate 10 higher in 2022 than in previous past elections? 11 A. The only response I could give to that is 12 based off the total number of rejected ballots, 13 ID-related versus not ID-related. There were more 14 ID-related rejections than not. 15 Q. Were ID issues the primary reason for 16 rejection of ballots during the 2022 general election? 17 A. Yes. 18 Q. All right. So we can set that exhibit 19 aside. Has your office ever referred a voter whose 20 ABBM or carrier envelope did not match the Team record 21 to the office of the Secretary of State as a potential 22 case of voter fraud? 23 A. I don't recall. 24 Q. Has your office ever referred a voter whose 25 ABBM or carrier envelope did not match their voter</p>
<p style="text-align: right;">Page 47</p> <p>1 Assuming that's human error, yes. 2 Q. And do you believe human error, for example, 3 in the database can also result in ballot rejection? 4 A. Absolutely. 5 Q. So is it fair to say that human error and 6 database errors will continue to be a cause of 7 rejections unrelated to the eligibility of the voter 8 to cast a ballot by mail? 9 A. In the normal course of events of our 10 business activities, there will always be some small 11 amount of human error; so sure. Certainly. 12 Q. I'm going to pass out an exhibit. 13 MS. PAIKOWSKY: I think -- are we on 5? 14 MR. NELSON: 6. 15 Q. Do you recognize this document? 16 A. I do. 17 Q. And so the top says, "Defendant Dyana 18 Limon-Mercado's Objections and Responses to State 19 Defendants' Second Set of Interrogatories." And I 20 will have you turn to the last page, page 6. 21 Actually, I guess we'll start on page 5. And so 22 Interrogatory Number 4 reads, "Please identify and 23 describe the specificity of Travis County's final 24 rejection rate of timely received ballots by mail 25 expressed as a percentage of all timely received</p>	<p style="text-align: right;">Page 49</p> <p>1 record to any other law enforcement authority as a 2 potential case of voter fraud? 3 A. To law enforcement? I don't recall ever 4 having to do that. 5 Q. Are you aware of any instances where 6 fraudulent voting was identified because of an ID 7 mismatch? 8 A. I don't recall an instance, no. 9 Q. Did your office receive any communications 10 from voters indicating that they were dissuaded from 11 voting by mail in the November 2022 general election? 12 A. I don't remember a specific email, no. 13 Q. You mentioned previously that your office, 14 when checking identification numbers, will first look 15 at your county database and then turn to Team. When 16 you do look at the Team numbers, does your office ever 17 do live checks? 18 A. Live check is done by voter registration. 19 If you, mean the live check process that's done with 20 the Secretary of State's office and counties, that is 21 not our office that executes that. 22 Q. And so the live check process wouldn't be 23 part of the process of comparing an ID to ensure 24 compliance with SB-1? 25 A. Not on the early voting clerk's side, no.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. Now, see we have our exhibits. 2 (Off the record conversation.) 3 MR. WASSDORF: You want to go off the 4 record for a second? 5 THE COURT REPORTER: We are off the 6 record. 7 (Off the record.) 8 MR. NELSON: Okay. We're back on the 9 record. And for counsel who is participating by Zoom, 10 everyone should have received earlier a supplemental 11 production consisting of the ballot by mail and 12 carrier envelope inserts, and that was Bates Stamped 13 Number 064.134766 through 134769 of those documents in 14 English and in Spanish. In addition, you should have 15 just received a one-page, which is 064.134770, which 16 is an email exchange between Bridgette Escobedo and 17 Christina Adkins with the Secretary of State's office 18 regarding the submission of these inserts for approval 19 and the response from the Secretary of State's office. 20 And with that, I turn it back to counsel for 21 examination. 22 Q. So I think I may hold off on asking about 23 this -- well, actually, no. Okay. So one question 24 first: So earlier you mentioned how you might use a 25 driver's license or SSN in the ballot processing</p>	<p style="text-align: right;">Page 52</p> <p>1 that is the best practice -- to include both -- just 2 in case if the voter registration system is missing 3 one or the other. We have both in which to verify. 4 Q. So the second page says, "Don't forget your 5 ID numbers," as well. What is this document? 6 A. Very similar. It is included in the ballot 7 package that we send out along with all of the other 8 prescribed documents, including the ballots, to remind 9 our voters to include their IDs on their carrier 10 envelope. One or the other or both as we recommend. 11 Q. And were you involved in the development of 12 these documents? 13 A. Yes. 14 Q. Why did your office decide to develop these 15 inserts? 16 A. We decided in the spring of 2022 we wanted 17 to take an extra measure to educate our voters to 18 include those numbers in an effort to reduce our 19 rejection rate. 20 Q. Do you feel you were effective in lowering 21 the rejection rate? 22 A. I do. 23 Q. What is your basis for that belief? 24 A. Well, it's speculation based off of gut 25 feeling. But the rejection rates did decline, to my</p>
<p style="text-align: right;">Page 51</p> <p>1 workflow. What is a situation where you have a 2 voter's full name, date of birth, and address you 3 would need to use a driver's license or SSN to look 4 them up? 5 A. I wouldn't see a reason to use one of those 6 to look them up. 7 Q. So -- let's actually -- let's make this 8 Exhibit 7. And this is the document that says at the 9 top, "Don't forget your ID numbers." Do you recognize 10 this document? 11 A. I do. 12 Q. And there's two pages if you want to take a 13 moment to review. So the flyer on the first page, 14 would you mind telling us what that is? 15 A. On the first page is the insert that we 16 would include and a request for an application for 17 ballot by mail. It is just included in the envelope 18 along with the application itself as a reminder to 19 include one or the other or both IDs when returning 20 the application back to our office. 21 Q. And it says at the bottom, "We recommend 22 providing both." Is that correct? 23 A. That's correct. 24 Q. And why is it you recommend providing both? 25 A. Secretary of State's office has indicated</p>	<p style="text-align: right;">Page 53</p> <p>1 recollection, pretty significantly between the primary 2 and the elections that followed in 2022. 3 Q. I think that is it for me, and I will pass 4 the witness. 5 MR. NELSON: Quick question. With 6 Exhibit 7, were you including the email -- the 7 Adkins/Escobedo email or not? 8 MS. PAIKOWSKY: I was going to wait. 9 MR. NELSON: Okay. That's fine. I 10 just wanted to make sure we're clear on what Exhibit 7 11 is. Thank you. 12 MR. WASSDORF: Do we want to ask if 13 anyone on the Zoom has any questions or are we just 14 going to assume they don't? 15 MS. PAIKOWSKY: Does anyone on Zoom 16 have any questions? 17 MS. TOGNETTI: Not for Hidalgo County. 18 MS. PAIKOWSKY: All right. Hearing 19 nothing. 20 EXAMINATION 21 BY MR. WASSDORF: 22 Q. Earlier you testified that with respect to, 23 I think it was, Exhibit 3, that this only allowed ID 24 numbers to be added to a voter registration; is that 25 correct?</p>

Charlie Johnson

March 29, 2023
Pages 90 to 93

Page 90	Page 92																																																																																																				
<p>1 sent out an application for ballot-by-mail and</p> <p>2 requested, it would also include one of these inserts</p> <p>3 that recommended putting both numbers on there?</p> <p>4 A. If they got the application from our office,</p> <p>5 yes.</p> <p>6 Q. And then I believe you also testified</p> <p>7 earlier that Travis County has made social media posts</p> <p>8 and other voter education efforts encouraging people</p> <p>9 to put both numbers on it; is that correct?</p> <p>10 A. We have.</p> <p>11 Q. And so there are multiple ways that voters</p> <p>12 would have been informed that you encourage them to</p> <p>13 include both numbers other than the language on the</p> <p>14 carrier envelope?</p> <p>15 A. That's correct.</p> <p>16 Q. Have -- do any two voters have the same</p> <p>17 name?</p> <p>18 A. I don't know. It's possible.</p> <p>19 Q. So do you think it's possible that there are</p> <p>20 two James Smiths that live in Travis County?</p> <p>21 A. It's certainly possible, yes.</p> <p>22 Q. Do any two voters have the same date of</p> <p>23 birth?</p> <p>24 A. Just the date of birth? That's</p> <p>25 mathematically certain, yes.</p>	<p>1 CHANGES AND SIGNATURE</p> <table border="1"> <thead> <tr> <th>PAGE</th> <th>LINE</th> <th>CHANGE</th> <th>REASON</th> </tr> </thead> <tbody> <tr><td>2</td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td><td></td></tr> </tbody> </table>	PAGE	LINE	CHANGE	REASON	2				3				4				5				6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				25			
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<p>1 Q. Do you think it's possible that there are</p> <p>2 two voters out there that have both the same name and</p> <p>3 the same date of birth?</p> <p>4 A. It's possible. I don't know.</p> <p>5 Q. Do you think the inclusion of a driver's</p> <p>6 license number, personal identification number, or</p> <p>7 social security number makes your identification of a</p> <p>8 voter more certain?</p> <p>9 A. At times, it can certainly help, yes.</p> <p>10 Q. Pass the witness.</p> <p>11 MS. PAIKOWSKY: Does anybody else on</p> <p>12 the line have any questions? Hearing none, we can go</p> <p>13 of the record.</p> <p>14 MR. NELSON: Going once, going twice.</p> <p>15 And is Mr. -- before we go off the record, is</p> <p>16 Mr. Johnson released at this point?</p> <p>17 MS. PAIKOWSKY: I believe so.</p> <p>18 MR. WASSDORF: Yes.</p> <p>19 MR. NELSON: Thank you, Charlie.</p> <p>20 THE COURT REPORTER: We are off the</p> <p>21 record, everyone.</p> <p>22 (End of testimony at 13:10 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I, CHARLIE JOHNSON, have read the foregoing</p> <p>2 deposition and hereby affix my signature that same is</p> <p>3 true and correct, except as noted above.</p> <p>4</p> <p>5</p> <p>6 CHARLIE JOHNSON</p> <p>7 THE STATE OF TEXAS)</p> <p>8 COUNTY OF TRAVIS)</p> <p>9 Before me, _____, on</p> <p>10 this day personally appeared CHARLIE JOHNSON, known to</p> <p>11 me (or proved to me under oath or through</p> <p>12 _____) (description of identity card</p> <p>13 or other document) to be the person whose name is</p> <p>14 subscribed to the foregoing instrument and</p> <p>15 acknowledged to me that they executed the same for the</p> <p>16 purposes and consideration therein expressed.</p> <p>17</p> <p>18 Given under my hand and seal of office this</p> <p>19 _____ day of _____, 2023.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 _____</p> <p>25 Notary Public in and for the State of Texas</p>																																																																																																				

EXHIBIT

95

Transcript of the Testimony of
The Office of the Dallas County Elections Administrator

Date:

April 29, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

<p style="text-align: right;">Page 66</p> <p>1 little bit for me, please? Can you slow down?</p> <p>2 MS. HUNKER: Yes.</p> <p>3 THE REPORTER: Thank you. Okay. I'm</p> <p>4 ready.</p> <p>5 MS. HUNKER: Ready?</p> <p>6 THE REPORTER: Uh-huh.</p> <p>7 REEXAMINATION</p> <p>8 BY MS. HUNKER:</p> <p>9 Q. Mr. Lopez, when we were talking about the</p> <p>10 document just earlier, we were referencing the</p> <p>11 Plaintiff's Exhibit Number 3, correct?</p> <p>12 A. Number 3?</p> <p>13 (Ms. Perales holding document up.)</p> <p>14 A. Yes.</p> <p>15 Q. And so let's look on the second page of that</p> <p>16 exhibit.</p> <p>17 A. Okay.</p> <p>18 Q. And this is where it says "Primary Election</p> <p>19 Comparison," correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you were speaking to Counsel about Day 12,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And that was February 25th, 2022, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 THE VIDEOGRAPHER: Okay. We're back on</p> <p>2 the record. The time is 12:19 p.m.</p> <p>3 EXAMINATION</p> <p>4 BY MS. PERALES:</p> <p>5 Q. Good afternoon, Ms. Phillips.</p> <p>6 A. Hello.</p> <p>7 Q. Can you please --</p> <p>8 THE REPORTER: Oh, I forgot to swear her</p> <p>9 in.</p> <p>10 MS. PERALES: I know. I just thought of</p> <p>11 that.</p> <p>12 Q. Can you please give us a second because we want</p> <p>13 to make sure that you're sworn in.</p> <p>14 A. Okay.</p> <p>15 THE REPORTER: Okay. Can you please raise</p> <p>16 your right hand?</p> <p>17 (Witness sworn by the court reporter.)</p> <p>18 THE REPORTER: Okay. Thank you.</p> <p>19 MS. PERALES: Do we know -- can we mute</p> <p>20 that participant?</p> <p>21 (The Videographer moves head up and down.)</p> <p>22 MS. PERALES: We're going to take a minute</p> <p>23 to mute someone.</p> <p>24 THE WITNESS: Okay.</p> <p>25 THE VIDEOGRAPHER: I don't have the</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. And that is the day that the polls were</p> <p>2 extended an additional three hours; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. This chart does not list the times in which</p> <p>5 voters voted, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And so you don't know when the voters voted</p> <p>8 that day, is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And if we look at 2018 and 2014, it appears</p> <p>11 that the last day of Early Voting has the most number of</p> <p>12 in-person votes for the Early Voting period; is that</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 MS. PERALES: Objection.</p> <p>16 MS. HUNKER: No more questions.</p> <p>17 MS. PERALES: No more questions here.</p> <p>18 MR. STOOL: We don't have any questions.</p> <p>19 MS. PERALES: Shall we go off the record</p> <p>20 while they switch microphones?</p> <p>21 MS. HUNKER: I think so.</p> <p>22 MR. STOOL: Yes.</p> <p>23 THE VIDEOGRAPHER: Okay. We're going back</p> <p>24 off the record. The time is 12:16 p.m.</p> <p>25 (Discussion off the record.)</p>	<p style="text-align: right;">Page 69</p> <p>1 permission to mute them, so we'll just have to ask them.</p> <p>2 MR. STOOL: Just to --</p> <p>3 THE VIDEOGRAPHER: Never mind. We're</p> <p>4 good.</p> <p>5 MS. PERALES: Thank you.</p> <p>6 TACOMA PHILLIPS,</p> <p>7 having being first duly sworn, testified as follows:</p> <p>8 EXAMINATION</p> <p>9 (Continued)</p> <p>10 BY MS. PERALES:</p> <p>11 Q. Ms. Phillips, you've been here since the start</p> <p>12 of Mr. Lopez's testimony; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And so you've already heard me introduce myself</p> <p>15 and walk him through some of the rules of the road for a</p> <p>16 deposition; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. So I'll -- I'll ask you a shorter version of</p> <p>19 those questions --</p> <p>20 A. Okay.</p> <p>21 Q. -- which is, first: Have you ever had your</p> <p>22 deposition taken?</p> <p>23 A. No.</p> <p>24 Q. Okay. First time. It's an honor to be taking</p> <p>25 your deposition.</p>

<p style="text-align: right;">Page 150</p> <p>1 BY MS. BENDER:</p> <p>2 Q. Okay. Ms. Phillips, thank you for being here</p> <p>3 today. I just had a few follow-up questions for you</p> <p>4 based upon your conversation earlier.</p> <p>5 So you talked earlier about looking up an</p> <p>6 individual --</p> <p>7 (Lights went off in the room.)</p> <p>8 THE REPORTER: Do y'all want to go off the</p> <p>9 record?</p> <p>10 MR. BENDER: Yeah.</p> <p>11 MS. PERALES: Yeah.</p> <p>12 THE REPORTER: Can we go off the record?</p> <p>13 THE VIDEOGRAPHER: Okay. We're going off</p> <p>14 record at 2:13.</p> <p>15 (Discussion off the record.)</p> <p>16 THE VIDEOGRAPHER: Okay. We are back on</p> <p>17 the record at 2:15 p.m.</p> <p>18 MS. PERALES: Brady, we need you to start</p> <p>19 again, but also to start by saying who you are.</p> <p>20 MS. BENDER: Yes. Hi. So this is Brady</p> <p>21 Bender. I represent the United States.</p> <p>22 Q. (By Ms. Bender) So I just have a few questions</p> <p>23 to follow up on the conversation from earlier. You had</p> <p>24 talked earlier about looking up an individual voter in</p> <p>25 VEMAC when you were -- received an ABBM or carrier</p>	<p style="text-align: right;">Page 152</p> <p>1 would you look them up using different information?</p> <p>2 A. With the mail ballot carrier envelope, with the</p> <p>3 VEMACS voter reg- -- VEMAC system, it creates a label;</p> <p>4 and the label has a bar code on there. Also it has the</p> <p>5 voter's -- voter's certificate, which is in-house in</p> <p>6 V- -- in VR system.</p> <p>7 Q. Okay. And you said you would use the label</p> <p>8 information --</p> <p>9 A. Yes.</p> <p>10 Q. -- to look them up?</p> <p>11 A. Yes.</p> <p>12 Q. Before SB 1, how long, on average, would you</p> <p>13 estimate that it took your office to process an ABBM?</p> <p>14 A. Maybe a minute or less.</p> <p>15 Q. And after SB 1, how long would you estimate for</p> <p>16 your office to process an ABBM?</p> <p>17 A. Maybe a minute or less. About the same time.</p> <p>18 It's actually --</p> <p>19 Q. Okay.</p> <p>20 A. -- verifying, looking up the voter.</p> <p>21 Q. Okay. Before SB 1, how long would you estimate</p> <p>22 it took to process a mail ballot carrier en- --</p> <p>23 A. I --</p> <p>24 MS. HUNKER: Objection, form.</p> <p>25 A. -- could not guess on that because I do not</p>
<p style="text-align: right;">Page 151</p> <p>1 envelope.</p> <p>2 When you received an application for ballot by</p> <p>3 mail or a carrier envelope before SB 1, how would you</p> <p>4 find the voter in your database to confirm eligibility</p> <p>5 and registration?</p> <p>6 A. By looking them up in VEMACS, the same way --</p> <p>7 Q. So what do you confirm --</p> <p>8 A. We will use the voter's last name, first name.</p> <p>9 The application always asks for a date of birth. It</p> <p>10 wasn't required, but they can put it on there, or we</p> <p>11 will look up through their address.</p> <p>12 Q. Okay. And when you receive an ABBM or mail</p> <p>13 ballot carrier envelope after SB 1, how do you find the</p> <p>14 voter in your database?</p> <p>15 A. Are you asking for the ABBM or the carrier</p> <p>16 envelope?</p> <p>17 Q. Either one. If they are different, then let's</p> <p>18 start with the ABBM.</p> <p>19 A. Okay. If we are looking up for ABB- -- ABBM</p> <p>20 application, we would still look them up by the first</p> <p>21 name, last name, date of birth. Since they did provide</p> <p>22 a driver's license or the last four digits of Social</p> <p>23 Security, we can also look that voter up by their</p> <p>24 driver's license.</p> <p>25 Q. And for the -- if mail ballot carrier envelope,</p>	<p style="text-align: right;">Page 153</p> <p>1 verify the carrier envelope. Signature verification</p> <p>2 does.</p> <p>3 Q. (By Ms. Bender) Okay. Okay. During the March</p> <p>4 2022 primary, if mail ballot materials did not list a</p> <p>5 driver's license number that appeared in the database,</p> <p>6 but it had the last four digits of the social security</p> <p>7 number and it matched the database, would you accept it?</p> <p>8 A. Yes.</p> <p>9 Q. And is this always your interpretation of the</p> <p>10 law?</p> <p>11 MS. HUNKER: Objection to form.</p> <p>12 A. Yes, either-or, whichever they put on there.</p> <p>13 And if it's in our voter registration system, we -- we</p> <p>14 picked either-or, either one.</p> <p>15 Q. (By Ms. Bender) Okay. So throughout -- so</p> <p>16 throughout the time that you were processing ballots for</p> <p>17 March '22 -- '22 primary, you would accept if it had</p> <p>18 either a driver's license number or a Social Security</p> <p>19 number?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And if it listed an incorrect driver's</p> <p>22 license number compared to what you had in the database,</p> <p>23 but it had the last four digits of the Social Security</p> <p>24 number that matched the database, would you accept that?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 182</p> <p>1 THE REPORTER: Wait just a second, please.</p> <p>2 Okay. Thank you.</p> <p>3 MS. HUNKER: Okay.</p> <p>4 REEXAMINATION</p> <p>5 BY MS. HUNKER:</p> <p>6 Q. Going back to that scenario, the father and the</p> <p>7 son --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- the father may not be over 65, correct?</p> <p>10 A. Uh-huh.</p> <p>11 THE REPORTER: Was that a "yes"?</p> <p>12 THE WITNESS: I'm sorry. I'm sorry.</p> <p>13 "Yes."</p> <p>14 Q. And so if the father were not over 65, he would</p> <p>15 not have to put his date of birth, correct?</p> <p>16 MS. PERALES: Objection.</p> <p>17 A. That --</p> <p>18 Q. (By Ms. Hunker) I can rephrase the question.</p> <p>19 A. Yes, please.</p> <p>20 Q. You had mentioned earlier that date of birth</p> <p>21 was not required on the application form, correct?</p> <p>22 A. Beforehand, yes.</p> <p>23 Q. Yes. And so if the father was not over 65,</p> <p>24 there would be no requirement for him to put -- put his</p> <p>25 date of birth on the application; is that correct?</p>	<p style="text-align: right;">Page 184</p> <p>1 MS. HUNKER: That's all.</p> <p>2 MS. PERALES: Let's go off the record.</p> <p>3 MR. SCHUETTE: Do we need to ask the</p> <p>4 assembled --</p> <p>5 MS. PERALES: Assembled people on Zoom,</p> <p>6 are we ready to go off the record?</p> <p>7 MS. BENDER: No questions. Thank you.</p> <p>8 MS. PERALES: That was Brady.</p> <p>9 THE VIDEOGRAPHER: We're going off the</p> <p>10 record. The time is 3:07 p.m.</p> <p>11 (Lunch recess.)</p> <p>12 THE VIDEOGRAPHER: Okay. We are back on</p> <p>13 the record. The time is 4:17 p.m.</p> <p>14 MS. PERALES: I think we are ready to</p> <p>15 swear the witness.</p> <p>16 THE REPORTER: Okay.</p> <p>17 Sir, would you raise your right hand,</p> <p>18 please?</p> <p>19 (Witness sworn by the court reporter.)</p> <p>20 THE REPORTER: Thank you.</p> <p>21 MICHAEL SCARPELLO,</p> <p>22 having being first duly sworn, testified as follows:</p> <p>23 EXAMINATION</p> <p>24 BY MS. PERALES:</p> <p>25 Q. Good afternoon.</p>
<p style="text-align: right;">Page 183</p> <p>1 A. I believe there's no requirement on the</p> <p>2 application now. I believe it's optional. I'm not</p> <p>3 quite sure. I have to look at a application.</p> <p>4 Q. Pre-SB 1?</p> <p>5 A. I believe on pre -- I believe SB 1 is optional.</p> <p>6 I have to look at the application. I -- to my</p> <p>7 recollection, I don't remember; but I believe it's not a</p> <p>8 requirement.</p> <p>9 Q. Okay. And so you had spoken about voters who</p> <p>10 you thought had given up and would not be requesting a</p> <p>11 mail in ballot; is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. You don't know if those individuals decided to</p> <p>14 vote by personal appearance?</p> <p>15 A. I do not know.</p> <p>16 Q. How do you know that they, first, gave up?</p> <p>17 A. They said so.</p> <p>18 Q. Okay. And second, that it was connected to the</p> <p>19 ID requirement?</p> <p>20 A. They said so.</p> <p>21 Q. Okay. Do you know if they, in fact, decided to</p> <p>22 resubmit --</p> <p>23 A. I do not know.</p> <p>24 Q. -- their application to vote by mail?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 185</p> <p>1 A. Good afternoon.</p> <p>2 Q. Will you state your name for the record,</p> <p>3 please?</p> <p>4 A. Michael Scarpello.</p> <p>5 Q. Thank you. I'll introduce myself to you</p> <p>6 because you weren't here before.</p> <p>7 A. Okay.</p> <p>8 Q. My name is Nina Perales. I'm with the Mexican</p> <p>9 American Legal Defense and Educational Fund, and I</p> <p>10 represent the LUPE group of Plaintiffs --</p> <p>11 A. Okay.</p> <p>12 Q. -- in this matter.</p> <p>13 Have you ever had your deposition taken before?</p> <p>14 A. Yes.</p> <p>15 Q. Have you ever taken a deposition before?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Let's start with: Have you had your</p> <p>18 deposition taken before.</p> <p>19 Can you tell me the most recent time you had</p> <p>20 your deposition taken?</p> <p>21 A. Two -- two weeks ago or something.</p> <p>22 Q. Okay.</p> <p>23 A. Two or three weeks -- I'm not sure --</p> <p>24 Q. All right.</p> <p>25 A. -- but in there.</p>

<p style="text-align: right;">Page 246</p> <p>1 have expressed to you concerns about people -- voters</p> <p>2 having a harder time voting under SB 1?</p> <p>3 A. Yes.</p> <p>4 MS. HUNKER: Objection, form.</p> <p>5 Q. (By Ms. Perales) Have you spoken to any</p> <p>6 individual voters who had problems voting under SB 1?</p> <p>7 A. I have to think. I'm not sure. Yes, yes. Now</p> <p>8 that I'm thinking about it, yes.</p> <p>9 Q. Tell me about what you can remember of those</p> <p>10 communications.</p> <p>11 A. I was trying to remember. This one had to do</p> <p>12 with a particular constituent's mother not being able to</p> <p>13 get a replacement mail ballot. Gosh, I'm -- I'm trying</p> <p>14 to remember the details, but having to do with the --</p> <p>15 the mail ballot aspects, as far as providing the IDs, et</p> <p>16 cetera.</p> <p>17 Q. So this was a voter who was trying to fulfill</p> <p>18 the ID number requirement --</p> <p>19 A. Yes.</p> <p>20 Q. -- that was created by SB 1 --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- and through -- using the mail ballot and was</p> <p>23 having a hard time --</p> <p>24 A. Yes.</p> <p>25 Q. -- voting?</p>	<p style="text-align: right;">Page 248</p> <p>1 turnout in the general election?</p> <p>2 A. Yes.</p> <p>3 Q. And would you say, as a general matter, that</p> <p>4 voter turnout in a spring election, like the one that</p> <p>5 will happen in May, on May 7th, would typically be lower</p> <p>6 than the turnout in a primary election?</p> <p>7 A. Yes.</p> <p>8 Q. Do you have any concerns about the impact of SB</p> <p>9 1 on the upcoming November 2022 midterm election?</p> <p>10 MS. HUNKER: Objection, form.</p> <p>11 A. Yes.</p> <p>12 Q. (By Ms. Perales) Okay. And can you list what</p> <p>13 those concerns are?</p> <p>14 A. I have continuing concerns about the provisions</p> <p>15 of the -- the ID requirements for mail ballots, in that</p> <p>16 the high rejection rate for applications and the</p> <p>17 ballots, themselves. I have concerns about the chilling</p> <p>18 effect that the poll watcher provisions have on poll</p> <p>19 worker recruitment and retention. I'd have to kind of</p> <p>20 think a little bit deeper about some of the other</p> <p>21 provisions of SB 1, but those are my main ones.</p> <p>22 Q. Do you believe that there are voters who will</p> <p>23 attempt to vote by mail in the November general election</p> <p>24 who have not yet encountered the ID matching</p> <p>25 requirements of SB 1 because they didn't vote in the</p>
<p style="text-align: right;">Page 247</p> <p>1 A. Uh-huh.</p> <p>2 Q. Do you know if that voter ever successfully</p> <p>3 voted?</p> <p>4 A. Yes.</p> <p>5 Q. You do know?</p> <p>6 A. This one I'm thinking of, yes.</p> <p>7 Q. And did that voter successfully vote?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Do you know how the voter voted, like,</p> <p>10 did the -- did the voter, for example, end up having to</p> <p>11 go to the polling place and vote in person?</p> <p>12 A. No. I think they got a replacement -- a</p> <p>13 replacement ballot, I believe.</p> <p>14 Q. Okay. So you -- you were not getting all the</p> <p>15 phone calls that Tacoma Phillips was getting?</p> <p>16 A. I typically don't. I mean, that's why Tacoma's</p> <p>17 there.</p> <p>18 Q. Right. Would it be correct to say that you did</p> <p>19 not work for Dallas County Elections in the November</p> <p>20 2020 election?</p> <p>21 A. That's correct.</p> <p>22 Q. That saves us a few questions.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Would you say that, as a general matter, voter</p> <p>25 turnout in the partisan primary is lower than voter</p>	<p style="text-align: right;">Page 249</p> <p>1 primary?</p> <p>2 A. Absolutely.</p> <p>3 Q. All right. And do you anticipate that, at</p> <p>4 least for some of those voters, for the first time, they</p> <p>5 are going to have either their application for ballot by</p> <p>6 mail or their mail ballot rejected because there is not</p> <p>7 a matching ID number in your records?</p> <p>8 A. Yes.</p> <p>9 MS. PERALES: Can we go off the record for</p> <p>10 a few minutes?</p> <p>11 (Mr. Stool moves head up and down.)</p> <p>12 THE VIDEOGRAPHER: Going off the record.</p> <p>13 The time is 5:53.</p> <p>14 (Break taken.)</p> <p>15 (Deposition Exhibit Number 8 marked.)</p> <p>16 THE VIDEOGRAPHER: We are back on the</p> <p>17 record. The time is 6:08.</p> <p>18 Q. (By Ms. Perales) I'm handing you what has been</p> <p>19 marked Deposition Exhibit Number 8.</p> <p>20 (Document handed to the witness and Counsel.)</p> <p>21 Q. Do you -- do you recognize this document?</p> <p>22 A. Yes.</p> <p>23 Q. And do you -- do you see it's got some Bates</p> <p>24 stamp numbers on it starting with "MS" in the bottom</p> <p>25 right-hand -- oh, the -- yes, the Bates stamp MS, and</p>

EXHIBIT

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Lisa Wise

April 18, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO)
ENTERO, et al.,)
Plaintiffs,)
vs.)
GREGORY W. ABBOTT, et al.,) NO. 5:21-cv-844-XR
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF
LISA WISE
April 18, 2023
(REMOTELY REPORTED)

The Oral and Videotaped Deposition of LISA WISE,
produced as a witness at the instance of the defendant,
and duly sworn, was taken in the above-styled and
numbered cause on the 18th of April, 2023 from 9:13 a.m.
to 3:27 p.m., in and for the State of Texas, reported by
machine shorthand, conducted El Paso County Courthouse
500 E. San Antonio, 5th Floor, Suite 503 El Paso, Texas
79901, pursuant to the Federal Rules of Civil Procedure
and the provisions stated on the record or attached
hereto.

Lisa Wise

April 18, 2023
Pages 2 to 5

Page 2	Page 4
<p>1 A P P E A R A N C E S</p> <p>2 For the Plaintiff(s):</p> <p>3 Ms. Caroline A. Lebel</p> <p>4 Cooley LLP</p> <p>5 1144 15th Street, Suite 2300</p> <p>6 Denver, Colorado 80202-2686</p> <p>7 Clebel@cooley.com</p> <p>8 Ms. Kathleen Hartnett</p> <p>9 Cooley LLP</p> <p>10 1144 15th Street, Suite 2300</p> <p>11 Denver, Colorado 80202-2686</p> <p>12 Khartnett@cooley.com</p> <p>13 Mr. David S. Louk</p> <p>14 Cooley LLP</p> <p>15 1144 15th Street, Suite 2300</p> <p>16 Denver, Colorado 80202-2686</p> <p>17 Dlouk@cooley.com</p> <p>18 Marina Eisner</p> <p>19 States United Democracy Center</p> <p>20 1101 17th St NW, Suite 250</p> <p>21 Washington, D.C. 20036</p> <p>22 For the Defendant(s):</p> <p>23 Ms. Kathleen T. Hunker</p> <p>24 Office of the Attorney General</p> <p>25 P.O. Box 12548</p> <p>Austin, Texas 78711-2548</p> <p>Kathleen.hunker@oag.texas.gov</p> <p>Also Appearing:</p> <p>Michael Stewart - For the United States</p> <p>Nina Perales - For the LUPE plaintiffs</p> <p>Erica Rosales Nigaglioni - El Paso County Attorney's</p> <p>Office for the plaintiffs</p> <p>Leo Betancourt - Videographer</p>	<p>1 I N D E X</p> <p>2 WITNESS:</p> <p>3 LISA WISE</p> <p>4 Examination By Ms. Hunker 7</p> <p>5 Examination By Mr. Stewart: 81</p> <p>6 Examination By Ms. Perales 122</p> <p>7 Reexamination By Ms. Hunker 171</p> <p>8</p> <p>9 CHANGES AND SIGNATURE 178</p> <p>10 REPORTER'S CERTIFICATION 180</p> <p>11</p> <p>12 EXHIBIT DESCRIPTION PAGE</p> <p>13 Exhibit 1 Notice of Deposition 14</p> <p>14 Exhibit 2 List of early voting locations for 15</p> <p>15 November 2022</p> <p>16 Exhibit 3 Defendant Wise's Objections and 55</p> <p>17 Supplemental and Amended Responses</p> <p>18 to State Defendants' Second Set of</p> <p>19 interrogatories</p> <p>20 Exhibit 4 State 115611- Ballot by mail 55</p> <p>21 Exhibit 6 Corrective Action Process Early 135</p> <p>22 Voting Clerk Action August 2022</p> <p>23 Exhibit 7 El Paso County Cured Ballot Overall 142</p> <p>24 Summary Report 2022 November General</p> <p>25 Exhibit 8 EPC011867 & EPC011868 144</p>
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<p>1 Appearing (remotely):</p> <p>2 Christina Sanchez - El Paso County</p> <p>3 Ethan Szumanski - Texas OAG</p> <p>4 Germaine Habel - El Paso EA</p> <p>5 John Gore - GOP Intervenors</p> <p>6 Josephine Ramirez-Solis - Hidalgo</p> <p>7 Justin Goldberg</p> <p>8 Kevin Zhen - LUPE</p> <p>9 Lisa Cubriel - Bexar County</p> <p>10 Zachary Berg - TX OAG</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Exhibit 9 Single Election Status Codes Screen 146</p> <p>2 Shot</p> <p>3 Exhibit 10 Ballot by Mail Ballots Returned, 148</p> <p>4 November 2022</p> <p>5 Exhibit 11 Email EPC012167 150</p> <p>6 Exhibit 12 Email EPC012187 159</p> <p>7 Exhibit 13 Oath of Assistance & Oath of 163</p> <p>8 Interpreter Forms</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Lisa Wise

April 18, 2023
Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: We are now on the 2 record. This begins the video deposition of Lisa Wise, 3 Elections Administrator, in the matter of La Union Del 4 Pueblo Entero, et al., versus Gregory W. Abbott, et al., 5 in the United States District Court, Western District of 6 Texas, San Antonio Division. 7 Today's date is April 18th, 2023. The time is 9:13 a.m. 8 This deposition is being taken at the El Paso County 9 Courthouse, El Paso, Texas. 10 Will the counsel please introduce yourself. Afterwards, 11 the court reporter will swear in the witness. 12 MS. HUNKER: Kathleen Hunker, from the 13 Office of the Texas Attorney General, representing State 14 defendants and individual legislators. 15 MS. LEBEL: Caroline Lebel from Cooley LLP, 16 here for the witness. 17 MS. HARTNETT: Kathleen Hartnett, also from 18 Cooley LLP, for the witness. 19 20 MR. STEWART: Michael Stewart for the 21 United States. 22 MS. PERALES: Nina Perales with the LUPE 23 plaintiffs. 24 MS. ROSALES NIGAGLIONI: Erica Rosales 25 Nigaglioni, with El Paso County Attorney's Office, for</p>	<p style="text-align: right;">Page 8</p> <p>1 questions. After that's done, I'll move on to the main 2 subjects of the deposition. Okay? 3 A. Yes, ma'am. 4 Q. Since your depositions in this case back in 5 April 2022, have you been deposed before? 6 A. Since those, no. 7 Q. But you understand that you are under oath, 8 correct? 9 A. I do. 10 Q. And you understand that the oath would have the 11 same effect as if you were testifying in open court? 12 A. I do. 13 Q. For the court reporter, you will need to 14 provide verbal answers, like yes or no, rather than 15 nodding or shaking your head or using fill words. This 16 has extra importance here today because we have many 17 attorneys participating on Zoom, and they may not be 18 able to see you if you were -- if they're dialling in. 19 Does that make sense? 20 A. Yes. 21 Q. It also helps the court reporter if we don't 22 talk over one another. I'm going to do my best to wait 23 for you to finish your answer before I ask my next 24 question. Will you do your best to make sure that you 25 wait until I finish my question before you start your</p>
<p style="text-align: right;">Page 7</p> <p>1 the plaintiffs. 2 MR. LOUK: David Louk from Cooley LLP, also 3 here on behalf of the witness. 4 MS. EISNER: Marina Eisner from States 5 United Democracy Center, also on behalf of the witness. 6 THE REPORTER: Ms. Wise, may I please have 7 you raise your right hand? 8 (Witness sworn.) 9 LISA WISE, 10 having been duly sworn, testified as follows: 11 EXAMINATION 12 BY MS. HUNKER: 13 Q. Good morning, Ms. Wise. 14 A. Good morning. 15 Q. Thank you very much for coming here today. My 16 name is Kathleen Hunker and, as I said earlier, I'm an 17 attorney with the Office of the Texas Attorney General 18 representing the State defendants. 19 Can I -- can you please state your name and 20 then spell it for the record. 21 A. It's Lisa Wise, L-I-S-A, W-I-S-E. 22 Q. Now, Ms. Wise, I know you were deposed last 23 year in this case on two occasions, so you have some 24 familiarity with how depositions work. Nevertheless, I'm 25 going to start with some instructions, introducing</p>	<p style="text-align: right;">Page 9</p> <p>1 answer? 2 A. I will. 3 Q. If you don't understand the question, will you 4 please let me know? 5 A. Yes. 6 Q. And if you do answer the question, I'm going to 7 assume that you understood it. Is that fair? 8 A. Yes. 9 Q. If you need a break at any time, please just 10 let me know. My only request is that you answer any 11 pending question on the table before we take that break. 12 Okay? 13 A. Yes. 14 Q. Also, if you hear an objection from counsel, 15 that is typically for the Court to decide at a later 16 date. I, therefore, ask that you go ahead and answer 17 the question, unless you're instructed otherwise by your 18 counsel. Does that make sense? 19 A. Yes. 20 Q. Have you consumed anything such as prescription 21 medications or alcohol that could affect your ability to 22 understand my questions and answer truthfully and 23 accurately? 24 A. No. 25 Q. Are you experiencing any physical condition,</p>

Lisa Wise

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<p style="text-align: right;">Page 74</p> <p>1 MS. LEBEL: Object to form.</p> <p>2 A. No.</p> <p>3 Q. (BY MS. HUNKER) How many full-time employees</p> <p>4 are in your office?</p> <p>5 A. Currently, there's 17 besides myself. So 18</p> <p>6 with me included.</p> <p>7 Q. And how many do you hire before an election?</p> <p>8 MS. LEBEL: Object to form.</p> <p>9 A. I apologize.</p> <p>10 Depends on the election. As far as temps?</p> <p>11 Is that what you mean?</p> <p>12 Q. (BY MS. HUNKER) Yes.</p> <p>13 A. Okay. On a small election, it may be 8 to 10.</p> <p>14 On a large election, it -- it could be 25.</p> <p>15 Q. And how many temporary workers did your office</p> <p>16 hire leading up to the November 2022 General Election?</p> <p>17 A. Sorry. I'm thinking in my mind. I believe 12.</p> <p>18 Q. Is that typical for a general mid-term</p> <p>19 election?</p> <p>20 MS. LEBEL: Object to form. This is beyond</p> <p>21 the scope of the deposition.</p> <p>22 A. I think -- I would say more, we would do around</p> <p>23 10. Maybe a couple more this time.</p> <p>24 Q. (BY MS. HUNKER) Did your office receive any</p> <p>25 communications from the Department of Justice regarding</p>	<p style="text-align: right;">Page 76</p> <p>1 communication from the United States Department of</p> <p>2 Justice regarding any alleged violation of federal law?</p> <p>3 MR. STEWART: Same objection.</p> <p>4 MS. LEBEL: Object to form.</p> <p>5 A. No.</p> <p>6 Q. (BY MS. HUNKER) Did your office receive any</p> <p>7 communication from the Department of Homeland Security</p> <p>8 regarding any alleged violation of federal law in</p> <p>9 connection with November 8th, 2022 General Election?</p> <p>10 MR. STEWART: Same objection.</p> <p>11 MS. LEBEL: Object to form.</p> <p>12 A. No.</p> <p>13 Q. (BY MS. HUNKER) Did your office receive any</p> <p>14 communications from the Department of State regarding an</p> <p>15 alleged violation of federal law in connection with the</p> <p>16 November 8th, 2022 General Election?</p> <p>17 MR. STEWART: Same objection.</p> <p>18 MS. LEBEL: Object to form.</p> <p>19 A. No.</p> <p>20 Q. (BY MS. HUNKER) Did your office contact the</p> <p>21 Department of Justice regarding any alleged incident of</p> <p>22 voter fraud in connection with the November 8th, 2022</p> <p>23 General Election?</p> <p>24 MS. LEBEL: Object to form.</p> <p>25 MR. STEWART: Same objection.</p>
<p style="text-align: right;">Page 75</p> <p>1 an alleged incident of voter fraud that was conducted in</p> <p>2 connection with the November 2022 General Election?</p> <p>3 MR. STEWART: I just want to object on the</p> <p>4 basis of investigative privilege, to the extent an</p> <p>5 investigation is ongoing.</p> <p>6 I'm not instructing the witness not to</p> <p>7 answer, I'm just putting that objection on the record.</p> <p>8 MS. HUNKER: And to clarify, I'm not going</p> <p>9 to get into the substance of any violations. I just</p> <p>10 want to know whether or not a violation occurred or a</p> <p>11 communication occurred.</p> <p>12 A. No.</p> <p>13 Q. (BY MS. HUNKER) Did your office receive any</p> <p>14 communication from the Department of Homeland Security</p> <p>15 regarding any alleged incident of voter fraud in</p> <p>16 connection with the November 8th, 2022 General Election?</p> <p>17 MR. STEWART: Same objection.</p> <p>18 A. No.</p> <p>19 Q. (BY MS. HUNKER) Did your office receive any</p> <p>20 communication from the Department of State regarding an</p> <p>21 alleged incident of voter fraud in connection with the</p> <p>22 November 8th, 2022 General Election?</p> <p>23 MR. STEWART: Same objection.</p> <p>24 A. No.</p> <p>25 Q. (BY MS. HUNKER) Did your office receive any</p>	<p style="text-align: right;">Page 77</p> <p>1 A. No.</p> <p>2 Q. (BY MS. HUNKER) Did your office contact the</p> <p>3 Department of Homeland Security regarding any alleged</p> <p>4 incident of voter fraud in connection with the November</p> <p>5 8th, 2022 General Election?</p> <p>6 MR. STEWART: Same objection.</p> <p>7 MS. LEBEL: Object to form.</p> <p>8 A. No.</p> <p>9 Q. (BY MS. HUNKER) And did your office contact</p> <p>10 the Department of State regarding any alleged voter</p> <p>11 fraud conducted in connection with the November 8th,</p> <p>12 2022 General Election?</p> <p>13 MR. STEWART: Same objection.</p> <p>14 MS. LEBEL: Object to form.</p> <p>15 A. No.</p> <p>16 Q. (BY MS. HUNKER) Did your office report any</p> <p>17 alleged incident of voter fraud to the County District</p> <p>18 Attorney in connection with the November 8th, 2022</p> <p>19 General Election?</p> <p>20 MS. LEBEL: Object to form and object on</p> <p>21 the basis of investigation privilege.</p> <p>22 A. So do I answer? The answer is no.</p> <p>23 Q. (BY MS. HUNKER) Don't give me any substantive</p> <p>24 details --</p> <p>25 A. Okay. The answer is no. The answer is no.</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. And for the next line of questioning, dont give 2 me any substantive details. I'm just asking whether or 3 not there was either a referral or some -- 4 A. Yes. The answer is no to that question. 5 Q. Did your office make any referral in 6 connection -- let me rephrase that. 7 Did your office make any referral 8 regarding any possible incident of criminal activity 9 conducted in connection with the November 8th, 2022 10 General Election to the County District Attorney? 11 MS. LEBEL: Object to form and object on 12 the basis of investigation privilege. 13 A. No. 14 Q. (BY MS. HUNKER) Did your office report any 15 alleged incident of voter fraud in connection with the 16 November 8th, 2022 General Election to the Office of the 17 Attorney General in Texas? 18 MS. LEBEL: Same objections. 19 A. No. 20 Q. (BY MS. HUNKER) Did your office contact the 21 Office of the Texas Attorney General regarding any 22 incident of alleged criminal activity conducted in 23 connection with November 8th, 2022 General Election? 24 MS. LEBEL: Same objections. 25 A. No.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. (BY MS. HUNKER) And are you aware of any 2 alleged violations of the Texas Criminal Code that 3 occurred in connection with the November 8th, 2022 4 General Election in El Paso County? 5 MS. LEBEL: Objection. Form and on the 6 basis of investigation privilege. 7 A. No. 8 MS. HUNKER: If we can take a quick 9 five-minute break, so I can review my notes? 10 MS. LEBEL: Sure. 11 THE VIDEOGRAPHER: The time is 11:42 a.m. 12 and off the record. 13 (A recess was taken.) 14 THE VIDEOGRAPHER: The time is 12:03 p.m. 15 We're back on the record. 16 Q. (BY MS. HUNKER) Ms. Wise, I realize I forgot 17 to ask you two or three small questions. And once we 18 finish that, I'll pass you along to some of the 19 plaintiff groups in this case. 20 Did El Paso County offer curbside voting at 21 each of its polling locations for the November 2022 22 General Election? 23 A. Yes. 24 Q. And did any of those curbside locations have to 25 close at any point during the course of the election?</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. (BY MS. HUNKER) Did your office report any 2 election irregularities to the Office of the Secretary 3 of State regarding any irregularity that occurred in the 4 November 2022 General Election? 5 MS. LEBEL: Object to form. 6 A. Can I ask what you mean by "irregularity"? 7 Q. (BY MS. HUNKER) Sure. 8 In this case, it would be a violation of 9 the Texas Election Code. 10 A. No. 11 Q. And did your office report -- let me strike. 12 Did your office submit any complaints to 13 the Office of the Secretary of State regarding any 14 alleged incidents of criminal activity conducted in 15 connection with November 8th, 2022 General Election? 16 MS. LEBEL: Object. Form and investigation 17 privilege. 18 A. No. 19 Q. (BY MS. HUNKER) Are you aware of any alleged 20 violations of the Texas Election Code that occurred in 21 connection with the November 8th, 2022 General Election 22 in El Paso County? 23 MS. LEBEL: Object to form and on the basis 24 of investigation privilege. 25 A. No.</p>	<p style="text-align: right;">Page 81</p> <p>1 MS. LEBEL: Object to form. 2 A. No. 3 Q. (BY MS. HUNKER) All right. 4 MS. HUNKER: I'm going to pass the witness 5 and reserve my remaining time for any rebuttal that 6 needs to occur. 7 MS. LEBEL: Should we check in if the 8 intervenor defendants are going to be asking any 9 questions? 10 MR. STEWART: Sure. Why don't we just give 11 them the opportunity. If anyone -- intervenor 12 defendants? 13 MR. CORE: Yeah. Thanks for checking. We 14 have no questions at this time. 15 MR. STEWART: Okay. 16 EXAMINATION 17 BY MR. STEWART: 18 Q. My name is Mike Stewart. I'm here on behalf of 19 the United States. I want to thank you for being here, 20 Ms. Wise, again. 21 I know Ms. Hunker already went through the 22 ground rules with you earlier today, and so I don't 23 think we need to redo that, just to say that you 24 understand all the same ground rules apply, and you're 25 still under oath, correct?</p>

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<p style="text-align: right;">Page 86</p> <p>1 Administrator account?</p> <p>2 A. Yes. It's El Paso County Elections.</p> <p>3 Q. Were any of the groups you spoke with -- you</p> <p>4 know, you gave the example of rotary groups -- were any</p> <p>5 of those in Spanish?</p> <p>6 A. None that I spoke to, no.</p> <p>7 Q. More broadly with your office, do you know if</p> <p>8 there were any?</p> <p>9 A. I know that when we did the -- like, our voter</p> <p>10 registration drives, both of -- we have Spanish speakers</p> <p>11 at those, and I know that they did address that with</p> <p>12 people that had questions and things like that.</p> <p>13 So I know they were able to communicate if</p> <p>14 somebody brought that question up in Spanish at those</p> <p>15 locations, but -- those events. But when I would speak</p> <p>16 at events, no.</p> <p>17 Q. I think you said you did not have any paid</p> <p>18 media in connection with the November 2022 General,</p> <p>19 right?</p> <p>20 A. Correct.</p> <p>21 Q. Who developed the content of this outreach?</p> <p>22 Let's take them one at a time.</p> <p>23 So we'll start with, you know, what you're</p> <p>24 going to say in an in-person town hall, you know, who</p> <p>25 comes up with the content for that?</p>	<p style="text-align: right;">Page 88</p> <p>1 anything on the insert?</p> <p>2 A. No.</p> <p>3 Q. And then for social media, were you also coming</p> <p>4 up with the content for that?</p> <p>5 A. Yes.</p> <p>6 Q. Did you consult with the SOS on your voter</p> <p>7 education efforts in any way beyond the insert?</p> <p>8 A. No.</p> <p>9 Q. Were you aware during the General Election</p> <p>10 period of the voter education efforts conducted by the</p> <p>11 Secretary of State?</p> <p>12 MS. LEBEL: Object to form.</p> <p>13 A. I'm aware that they had mentioned that that was</p> <p>14 going to be a component.</p> <p>15 But as far as voter education, we would</p> <p>16 receive our advisories, but I did not -- I was not</p> <p>17 seeing anything out in the -- I guess, in the public if</p> <p>18 that's what you're asking.</p> <p>19 Q. (BY MR. STEWART) Yeah. Maybe I'll ask it more</p> <p>20 crisply, you know.</p> <p>21 Did you notice the presence of the</p> <p>22 Secretary of State's voter education efforts during the</p> <p>23 General Election?</p> <p>24 MS. HUNKER: Objection. Form.</p> <p>25 MS. LEBEL: Object to form.</p>
<p style="text-align: right;">Page 87</p> <p>1 MS. LEBEL: Object to form.</p> <p>2 A. Generally I do. When -- and it's basically</p> <p>3 based off of the insert and things like that, which I</p> <p>4 created in conjunction with our County Attorney's Office</p> <p>5 to make sure there wasn't any issue with that. And then</p> <p>6 also, share that with the SOS, just to let them know</p> <p>7 that we were doing that and -- so they knew that that</p> <p>8 was something we were promoting.</p> <p>9 Q. (BY MR. STEWART) Did the SOS, and I assume you</p> <p>10 mean the Secretary of State --</p> <p>11 A. Yes, yes --</p> <p>12 Q. Yeah, just for the record.</p> <p>13 Did the SOS have any feedback on the</p> <p>14 insert?</p> <p>15 A. I think they supported that. I mean, you know,</p> <p>16 we had had those conversations that other counties were</p> <p>17 also doing some inserts. And that's kind of where we</p> <p>18 got the idea, too. So I believe they were in favor of</p> <p>19 it.</p> <p>20 Q. Did you pattern your insert off another county?</p> <p>21 MS. LEBEL: Object to form.</p> <p>22 A. No, I don't think we did. We may have picked</p> <p>23 from a couple that we saw that we liked, but we really</p> <p>24 drafted that on our own with our attorneys.</p> <p>25 Q. (BY MR. STEWART) Did the SOS ask you to change</p>	<p style="text-align: right;">Page 89</p> <p>1 A. I remember a press release. And that's --</p> <p>2 that's what I remember.</p> <p>3 Q. (BY MR. STEWART) Okay. Did you receive any</p> <p>4 feedback from voters regarding the voter education</p> <p>5 efforts you undertook?</p> <p>6 A. Yes. I mean, I know that they did appreciate</p> <p>7 the insert, and we -- especially with the ballot, where</p> <p>8 we would send the picture of what the envelope would</p> <p>9 look like and highlight where they were supposed to</p> <p>10 actually fill it in and send the screenshot. I know</p> <p>11 that people -- we did get positive feedback on that.</p> <p>12 Q. Did you hear from any voters who were</p> <p>13 continuing to struggle with the ID number requirements</p> <p>14 during the General Election?</p> <p>15 MS. LEBEL: Object to form.</p> <p>16 MS. HUNKER: Object to form.</p> <p>17 A. Yes, we did.</p> <p>18 Q. (BY MR. STEWART) About how many?</p> <p>19 MS. LEBEL: Object to form.</p> <p>20 A. That's really tough to -- to give. I didn't</p> <p>21 keep -- I didn't keep track of that. We would get some</p> <p>22 calls, and I -- I don't know the number.</p> <p>23 Q. (BY MR. STEWART) Was it primarily by phone?</p> <p>24 MS. LEBEL: Object to form.</p> <p>25 A. Primarily by phone. We would -- we would get</p>

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<p style="text-align: right;">Page 90</p> <p>1 maybe something on an application, a little note like, 2 why do I have to fill this out, like, something like 3 that. But mostly phone. 4 Q. (BY MR. STEWART) Was most of that feedback 5 regarding the ID requirement? 6 MS. LEBEL: Object to form. 7 MS. HUNKER: Objection. Form. 8 A. Was the feedback about the ID requirement 9 regarding the ID? 10 Q. (BY MR. STEWART) Yeah. I guess that's -- let 11 me -- 12 A. Sorry. 13 Q. -- strike that question and make -- make it 14 much clearer. 15 I guess I would say, what portion of the, 16 you know, overall feedback you received from voters 17 during the General Election period pertained to the ID 18 requirement? 19 MS. LEBEL: Object to form. 20 MS. HUNKER: Object to form. 21 A. It's hard for me to really quantify that, 22 honestly. Because, like I said, we really didn't 23 keep -- keep track of it in, like, how many calls we got 24 about the ID. But we did still spend a lot of time 25 explaining ID -- ID requirements to -- to voters that</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. That did not begin during the General -- 2 right -- that predated the General? 3 A. That predated the General. 4 Q. Why did you continue to give that advice? 5 A. We had done that about -- we didn't do it 6 initially in March until we started to see these -- you 7 know, these rejection rates and these -- coming back, so 8 then we started to include it, I would say about, 9 halfway through the actual process in -- for the March 10 election. 11 So basically we just said, look, let's -- 12 let's not wait for an application to be rejected, let's 13 just give them all this information at the very 14 beginning. So we -- if somebody asked us for, you know, 15 an application, then with the application we would send 16 them that information. 17 Now, people can also get an application on 18 our website or they could get it from a party. You 19 know, there might be other entities that send out the 20 application. We can't control that they didn't have the 21 insert or any of that information in there, and so we 22 may still receive applications that were not -- that 23 didn't comply with that requirement. 24 Q. Were there any ways besides the insert that you 25 transmitted that message to voters?</p>
<p style="text-align: right;">Page 91</p> <p>1 were on it to vote by mail. 2 Q. (BY MR. STEWART) Did you generate any topics 3 for future voter education based on what you were 4 hearing from voters? 5 A. So generally we do a pretty robust media 6 package for presidential years 'cause we always have 7 something that comes up. 8 For example, in 2024 -- I'm sorry. In 9 2020, we had the pandemic. So in 2024, we will, again, 10 do a media package, and one of the components will be 11 the identifier. We will really try to replace some of 12 that pandemic language with the -- the identifier, the 13 changes, and, frankly, any major changes that come out 14 of this legislative session. 15 So we -- we try to do that because we have 16 a lot of voters who do only vote every four years, and 17 we like to -- you know, we don't have an endless budget, 18 so we kind of put that all in -- what we can in the 19 presidential years. 20 Q. I -- I believe you've already said, correct me 21 if I'm wrong, that at some point, your office began 22 advising voters to put both their driver's license or ID 23 number and their Social Security number on mail ballot 24 materials; is that correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 93</p> <p>1 MS. LEBEL: Object to form. 2 MS. HUNKER: Object to form. 3 A. The social media, the -- you know, what we did 4 with interviews. Anything we could, we would try to get 5 that information out. But frankly, you know, the best 6 bang for the buck was with the application because they 7 were, we know, going to fill that out, and it was there 8 included in the packet. 9 MR. STEWART: I want to use -- I think 10 we're on number 5? 11 THE REPORTER: Yes. 12 Q. (BY MR. STEWART) And I don't want to rush you 13 reading it, but, in general, do you recognize this 14 document? 15 A. Yes. 16 Q. And what is this? 17 A. This is our application for ballot by mail. 18 Q. And your office uses the standard ABBM prepared 19 by the Secretary of State, correct? 20 A. We do. 21 Q. And you would agree that the portion that 22 implements the ID number requirement is below the 23 bold -- or the capital letters, rather, you must provide 24 one and then lower case of the following numbers? 25 A. Yes.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q. And then, if you look at the second paragraph 2 under there, so after the first set of blanks, it says: 3 "If you do not have a Texas driver's 4 license, Texas personal identification number, or a 5 Texas election identification certificate number, give 6 the last four digits of your Social Security number." 7 Did I read that right? 8 A. Yes. 9 Q. And so would you agree this language appears to 10 establish a hierarchy wherein you only give a driver's 11 license number or identification number, identification 12 certificate number if you do not have -- excuse me. 13 Strike that. 14 Would you agree this language appears to 15 establish a hierarchy wherein you only give the last 16 four of your Social Security number if you do not have a 17 Texas ID card number? 18 MS. LEBEL: Object to form. 19 MS. HUNKER: Object to form. 20 A. Yes. 21 Q. (BY MR. STEWART) Was the insert meant to 22 address that? 23 MS. LEBEL: Object to form. 24 A. The insert was meant to address that, whether 25 you put social's last four or whether you put your</p>	<p style="text-align: right;">Page 96</p> <p>1 A. I'm sorry. So when they asked for a ballot by 2 mail request, we'd send them the request with the 3 insert, and we would highlight that box. 4 Q. Did you highlight it on the carrier envelope as 5 well? 6 A. Yes. 7 Q. And are you describing hand highlighting with a 8 highlighter? 9 A. So on this we would hand highlight. On the 10 carrier envelope, we had a screenshot where on the 11 screenshot -- we didn't actually highlight the envelope, 12 we'd highlight the screenshot that would say this is 13 where it is on the carrier envelope. 14 Q. Got it. You can put that aside. 15 I'm quiet for a little bit. I'm skipping 16 questions. 17 A. No, no. Take your time. 18 Q. Did I understand right that you do plan media 19 spending for voter outreach in the future? 20 A. Yes. 21 Q. Do you know what your budget will be for that? 22 MS. LEBEL: Object to form. 23 A. In the past, I believe it's been around 24 \$15,000. 25 Q. (BY MR. STEWART) Is -- who allocates that</p>
<p style="text-align: right;">Page 95</p> <p>1 driver's license. Just because you put one on doesn't 2 necessarily mean that's the one that we have on file. 3 And so we were seeing where people were 4 putting one or the other, and it was very frustrating, 5 I'm sure for them as well as for us, to say, look, 6 that's not the one we have, that's not the one you 7 registered with whenever you registered. So it was just 8 basically to -- to combat that with whether you just put 9 the driver's license and we had the last sosh [sic], 10 just to fill both out. 11 Q. (BY MR. STEWART) Do you think this language 12 was misleading to voters? 13 MS. LEBEL: Object to form. 14 MS. HUNKER: Objection. Form. 15 A. I don't think it's written as well as it could 16 be, yes. 17 I -- I will say if I could, one of the 18 other things we did in the questionnaire as before is we 19 would highlight that box. 20 Q. (BY MR. STEWART) Okay. 21 A. So that they would be able to see that that is 22 what we're talking about with the insert. 23 Q. Would that be on the ABBM? 24 A. Yes. So with -- 25 Q. I'm sorry. Go ahead.</p>	<p style="text-align: right;">Page 97</p> <p>1 money? 2 A. Our county commissioner's court. 3 Q. Okay. Have you had any discussions about what 4 that number will look like in the future? 5 MS. LEBEL: Objection. This is going 6 beyond the scope of the notice topics and the parties' 7 stipulation. 8 MR. STEWART: Okay. I'll withdraw that 9 question. 10 Q. (BY MR. STEWART) I believe you already 11 answered questions from Ms. Hunker about how you 12 processed mail ballot materials during the General 13 Election, but I do just want to ask one follow-up about 14 that specific to the General Election. 15 During the General Election period, did 16 your office use the driver's license number or Social 17 Security number on mail ballot materials for any purpose 18 other than determining whether they could be accepted in 19 light of SB1? 20 MS. LEBEL: Object to form. 21 MS. HUNKER: Object to form. 22 A. No. 23 Q. (BY MR. STEWART) Turning briefly to the cure 24 process. 25 So I know -- I want to make sure I have</p>

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<p style="text-align: right;">Page 106</p> <p>1 A. I don't, I don't.</p> <p>2 Q. During the November 2022 General Election, do</p> <p>3 you know how common it was for a mail ballot to be</p> <p>4 rejected for multiple reasons?</p> <p>5 A. Not -- I mean, not really. Because once -- if</p> <p>6 it was rejected for the ID or the mismatch, then we</p> <p>7 would notice -- you know, we would send them</p> <p>8 notification.</p> <p>9 If they were rejected for, let's say,</p> <p>10 untimely, like, if they were to be received after the</p> <p>11 deadline, then that was what the rejection reason was.</p> <p>12 You weren't -- we didn't go through and process those to</p> <p>13 see, well, did they have the ID. I mean, if they came</p> <p>14 in after the deadline, they were rejected.</p> <p>15 Q. Is it possible then that untimely ballots would</p> <p>16 also have needed to be rejected for additional reasons</p> <p>17 such as the ID requirement?</p> <p>18 A. Yes.</p> <p>19 Q. When -- for timely ballots that are rejected,</p> <p>20 when you keep records on those ballots, do those records</p> <p>21 reflect all the reasons for rejection or just one?</p> <p>22 MS. LEBEL: Object to form.</p> <p>23 A. They reflect not just one, but if you -- if</p> <p>24 they're received timely, there's -- I can't remember</p> <p>25 exactly what they are, but there's a couple on there.</p>	<p style="text-align: right;">Page 108</p> <p>1 office?</p> <p>2 MS. LEBEL: Object to form.</p> <p>3 MS. HUNKER: Object to form.</p> <p>4 A. I'm sorry. A couple of times we would kind of</p> <p>5 start going over it, and they would say, I'll just cure</p> <p>6 on the ballot. Because they have to send the ballot</p> <p>7 back anyway, so they have the notice of, you know,</p> <p>8 defect. And if they can get on the -- there and send</p> <p>9 it -- fix it on the ballot tracker or they can just send</p> <p>10 the ballot back. And so a lot of times, they would just</p> <p>11 say, I'll just send the ballot track back or the ballot</p> <p>12 back.</p> <p>13 Q. (BY MR. STEWART) Got it. Did any voters</p> <p>14 request to cancel their mail ballot after being unable</p> <p>15 to use the online portal?</p> <p>16 A. Not that I know of.</p> <p>17 Q. Did any voters, to your knowledge, during the</p> <p>18 2022 General Election abandon their attempts to vote by</p> <p>19 mail after being unable to use the cure portal?</p> <p>20 MS. LEBEL: Object to form.</p> <p>21 A. The way that we have the ballots, it would be</p> <p>22 marked as rejected, and I don't know if that's just</p> <p>23 because they couldn't use the core -- the -- the -- that</p> <p>24 platform, but then went to -- to vote in person after</p> <p>25 their ballot had been rejected.</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. (BY MR. STEWART) Okay. During the</p> <p>2 November 2020 General Election, did you receive feedback</p> <p>3 from voters attempting to use the online ballot tracker</p> <p>4 to cure their ballots my mail?</p> <p>5 A. Yes.</p> <p>6 Q. Was that feedback positive or negative?</p> <p>7 A. For our office, it was mostly negative. I</p> <p>8 believe if they could -- you know, if they could use it,</p> <p>9 they just did. They didn't call our office and tell us</p> <p>10 we love the ballot tracker. So they would call us and</p> <p>11 say there's something wrong, we can't figure out the</p> <p>12 ballot tracker.</p> <p>13 Q. Did voters tend to identify any specific issues</p> <p>14 with the ballot tracker during the November 2022 General</p> <p>15 Election?</p> <p>16 A. I think a mix of just maybe not used to using</p> <p>17 some sort of computerized platform is one. Not knowing</p> <p>18 what information they needed to have to -- to get in,</p> <p>19 what -- not knowing what the steps were once they did.</p> <p>20 So we did have some -- some calls with that.</p> <p>21 Q. Were you able to walk some voters through the</p> <p>22 process to use the cure portal?</p> <p>23 A. Some, yes, we were.</p> <p>24 Q. Were there some who were unable to use the cure</p> <p>25 portal even after that phone conversation with your</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. (BY MR. STEWART) Based on your experience in</p> <p>2 the November 2022 General Election, do you believe the</p> <p>3 number of eligible voters who had their ballots rejected</p> <p>4 based on the ID number requirement will ever be zero?</p> <p>5 MS. LEBEL: Object to form.</p> <p>6 A. No.</p> <p>7 Q. (BY MR. STEWART) And I believe you testified</p> <p>8 previously that your office did not refer any voters to</p> <p>9 any law enforcement, whether it be federal or state, for</p> <p>10 potential fraud based on an ID mismatch or omission on</p> <p>11 mail ballot materials; is that correct?</p> <p>12 MS. LEBEL: Object on the basis of</p> <p>13 investigation privilege.</p> <p>14 A. Correct.</p> <p>15 Q. (BY MR. STEWART) Leaving aside sort of whether</p> <p>16 it was referred to law enforcement, are you aware of any</p> <p>17 instances where fraudulent voting was identified during</p> <p>18 the November 2022 General Election because of an ID</p> <p>19 mismatch?</p> <p>20 MS. LEBEL: Object to form.</p> <p>21 MS. HUNKER: Object to form.</p> <p>22 A. No.</p> <p>23 Q. (BY MR. STEWART) Are you aware of any</p> <p>24 instances in El Paso County during the November 2022</p> <p>25 General Election where an ID number omission identified</p>

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Pages 110 to 113

<p style="text-align: right;">Page 110</p> <p>1 an ineligible voter?</p> <p>2 MS. LEBEL: Object to form.</p> <p>3 MS. HUNKER: Object to form.</p> <p>4 A. No.</p> <p>5 Q. (BY MR. STEWART) Are you aware of any</p> <p>6 instances in El Paso County during the November 2022</p> <p>7 General Election where an ID number omission identified</p> <p>8 someone impersonating the voter named on the mail ballot</p> <p>9 materials?</p> <p>10 MS. LEBEL: Object to form.</p> <p>11 A. No.</p> <p>12 Q. (BY MR. STEWART) Are you aware of any</p> <p>13 instances in El Paso County during the November 2022</p> <p>14 General Election where an ID number mismatched as</p> <p>15 opposed to omission identified for your office an</p> <p>16 ineligible voter?</p> <p>17 MS. LEBEL: Same objection.</p> <p>18 A. No.</p> <p>19 Q. (BY MR. STEWART) Are you aware of any instance</p> <p>20 in El Paso County during the November 2022 General</p> <p>21 Election where an ID number mismatch as opposed to</p> <p>22 omission identified someone impersonating the voter</p> <p>23 named on the mail ballot materials?</p> <p>24 MS. LEBEL: Same objection.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 112</p> <p>1 voters during the November 2022 General Election</p> <p>2 indicating that they did not plan to vote by mail for</p> <p>3 that election?</p> <p>4 A. I'm sorry. Can you repeat that?</p> <p>5 Q. Yeah.</p> <p>6 Were there any voters who communicated with</p> <p>7 your office specifically for the purpose of saying they</p> <p>8 did not plan to vote by mail during the November 2022</p> <p>9 General Election?</p> <p>10 MS. LEBEL: Object to form.</p> <p>11 MS. HUNKER: Objection. Form.</p> <p>12 A. I'm not a hundred percent clear. Like, just</p> <p>13 called us to tell us I'm not gonna vote by mail?</p> <p>14 Q. (BY MR. STEWART) I guess or saying, you know,</p> <p>15 perhaps it's too difficult or they have some concern</p> <p>16 about the process?</p> <p>17 A. I believe we had a couple where someone had</p> <p>18 just called and we had to explain, you know, you have to</p> <p>19 have somebody call for their own application and you go</p> <p>20 through the whole kind of spiel. And then they said,</p> <p>21 I'll just go in person.</p> <p>22 Q. Were there any who indicated they did not plan</p> <p>23 to vote entirely?</p> <p>24 A. Not that I remember.</p> <p>25 Q. Do you know how the statewide mail ballot</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. (BY MR. STEWART) For the November 2022 General</p> <p>2 Election, did employees in your office receive any</p> <p>3 training or guidance on when to refer a voter for</p> <p>4 potential voter fraud to law enforcement based on an</p> <p>5 omission or mismatch of the ID number on mail ballot</p> <p>6 materials?</p> <p>7 MS. LEBEL: Object to form.</p> <p>8 A. I don't believe they received any training. I</p> <p>9 mean, our office is -- is small enough as far as -- I</p> <p>10 mean, our ballot by mail people I speak with all the</p> <p>11 time. They -- I believe they would have brought that to</p> <p>12 my attention.</p> <p>13 Q. (BY MR. STEWART) Was that something</p> <p>14 individuals in your office were looking for?</p> <p>15 MS. LEBEL: Object to form.</p> <p>16 MS. HUNKER: Object to form.</p> <p>17 A. I don't think particularly.</p> <p>18 Q. (BY MR. STEWART) And aside from the ID number</p> <p>19 requirement -- and no need to get into details, just a</p> <p>20 yes or no to protect the privilege -- did your office</p> <p>21 make any referrals for other instances of potential</p> <p>22 voter fraud besides the ID number requirement to law</p> <p>23 enforcement during the November 2022 General Election?</p> <p>24 A. No.</p> <p>25 Q. Did your office receive any communications from</p>	<p style="text-align: right;">Page 113</p> <p>1 rejection rate for the November 2022 General compares to</p> <p>2 El Paso County's?</p> <p>3 A. I believe it was 2.22 -- no, I'm sorry. 2 -- 2</p> <p>4 something, 2 percent.</p> <p>5 Q. So was El Paso County's lower than the State's?</p> <p>6 A. A little bit, at 1.9. I think that's -- if I</p> <p>7 remember correctly.</p> <p>8 Q. Why do you think El Paso County's rejection</p> <p>9 rate was lower than the statewide rejection rate?</p> <p>10 MS. LEBEL: Object to form.</p> <p>11 A. I mean, I can speculate. I think we -- we did</p> <p>12 a lot with those -- I think the inserts did go a long</p> <p>13 way. I think anything we could do to get the word out</p> <p>14 there we did, with free media basically, which was just</p> <p>15 a lot of interviews. That's, again, just a speculation.</p> <p>16 Q. (BY MR. STEWART) For the November 2022 General</p> <p>17 Election, was El Paso County still an offline county for</p> <p>18 TEAM purposes?</p> <p>19 A. Yes.</p> <p>20 Q. And was VOTEC still your vendor for offline</p> <p>21 database?</p> <p>22 A. VOTEC is still our vendor, yes.</p> <p>23 Q. Were there any issues during the November 2022</p> <p>24 General Election cycle communicating data between the</p> <p>25 statewide TEAM database and the VOTEC offline database</p>

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Pages 118 to 121

<p style="text-align: right;">Page 118</p> <p>1 Let me put it this way; during the</p> <p>2 November 2022 General Election cycle, did El Paso County</p> <p>3 do any investigation of whether the ID numbers, so</p> <p>4 driver's license, SSN, and ID number, contained in VOTEC</p> <p>5 are accurate?</p> <p>6 MS. LEBEL: Object to form.</p> <p>7 MS. HUNKER: Object to form.</p> <p>8 A. So, like, specifically check if, like, my</p> <p>9 driver's license matches what the DPS gave the State?</p> <p>10 Q. (BY MR. STEWART) Yes.</p> <p>11 A. No.</p> <p>12 Q. Did you conduct any investigation like that for</p> <p>13 El Paso County voters located in TEAM?</p> <p>14 A. No.</p> <p>15 Q. Earlier today, I believe counsel asked you</p> <p>16 whether the November 2022 General Election was</p> <p>17 successful in El Paso County, specifically as it relates</p> <p>18 to mail balloting; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. And you said it was successful, right?</p> <p>21 A. Yes.</p> <p>22 Q. How do you define success in this circumstance?</p> <p>23 A. So -- it -- when I would look at success, I</p> <p>24 mean, that was kind of a question I asked, is that I</p> <p>25 would say, you know, were we have -- was there anything</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. So when you say that the election was</p> <p>2 successful, was that making any comment on, you know,</p> <p>3 whether the mail ballots rejection rate was acceptable?</p> <p>4 MS. HUNKER: Object to form.</p> <p>5 MS. LEBEL: Object to form.</p> <p>6 A. I don't think so. I think it's just, to me,</p> <p>7 did we do the best we could with what we had? And</p> <p>8 that's, I guess, how I kind of looked at it.</p> <p>9 Q. (BY MR. STEWART) And I think you also</p> <p>10 testified earlier that you weren't aware of any voters</p> <p>11 who were unable to vote because of SB1; is that right?</p> <p>12 A. Correct.</p> <p>13 Q. That doesn't include voters having their mail</p> <p>14 ballots rejected because of the identification number</p> <p>15 requirement, correct?</p> <p>16 A. Correct.</p> <p>17 Q. How did you understand -- so, let me strike</p> <p>18 that.</p> <p>19 What did you include in not able to vote</p> <p>20 then when you were asked that question?</p> <p>21 A. I'm sorry?</p> <p>22 Q. Sure.</p> <p>23 When counsel asked you, you know, were any</p> <p>24 voters unable to vote, how did you determine whether</p> <p>25 someone was unable to vote?</p>
<p style="text-align: right;">Page 119</p> <p>1 that violated the code? Was there anything that stood</p> <p>2 out that was obviously we'd done something wrong and</p> <p>3 that kept voters from voting? You know, those kinds of</p> <p>4 things is how I guess I would deem that.</p> <p>5 Q. So were you answering it from the standpoint of</p> <p>6 the El Paso County Election Administration's</p> <p>7 administration of the election?</p> <p>8 A. Yes.</p> <p>9 Q. Do you believe there were areas for</p> <p>10 improvement?</p> <p>11 A. Yes.</p> <p>12 Q. What were those?</p> <p>13 A. There's always things I know that we can do</p> <p>14 better. I think that in -- with regards to -- we did</p> <p>15 have to send out a corrected ballot. I know we</p> <p>16 mentioned that earlier. We -- I believe there's things</p> <p>17 we could be quicker on. I mean, I know sometimes we get</p> <p>18 stuff out in 48 hours. With the sheer volume, sometimes</p> <p>19 we can't get stuff out in 24 hours. I'd love to have</p> <p>20 our staff trained even better, having more knowledge on</p> <p>21 the Election Code.</p> <p>22 So there's always a couple of things I'd</p> <p>23 love to see us do a little bit differently. Have more</p> <p>24 money. I'd love to do a media package every election,</p> <p>25 every general election. Those are our wish list, so --</p>	<p style="text-align: right;">Page 121</p> <p>1 A. You know, I guess a final rejection on a</p> <p>2 ballot, that if they had sent that and they weren't able</p> <p>3 to cure in time, if we didn't get in touch with them.</p> <p>4 We did hear from a few voters where we sent their ballot</p> <p>5 back to be cured, and they thought it was just a second</p> <p>6 ballot, and so they didn't open it. I do remember two</p> <p>7 voters specifically that called our office that said, I</p> <p>8 tossed that ballot because I thought that was a second</p> <p>9 ballot and you just sent me another ballot.</p> <p>10 And so, I mean, those -- obviously those</p> <p>11 voters didn't vote, and they thought they had voted</p> <p>12 because they did not take the -- they did not open up</p> <p>13 the notice of defect. So those, you know, little kind</p> <p>14 of pockets out there.</p> <p>15 Q. So those are people you would characterize as</p> <p>16 unable to vote in the past election?</p> <p>17 A. Well, they thought they did, and they didn't.</p> <p>18 So --</p> <p>19 Q. Sure.</p> <p>20 MR. STEWART: Can we go off the record for</p> <p>21 two minutes?</p> <p>22 MS. LEBEL: Yup.</p> <p>23 THE VIDEOGRAPHER: The time is 1:36 p.m.</p> <p>24 And we're off the record.</p> <p>25 (A recess was taken.)</p>

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Pages 138 to 141

<p style="text-align: right;">Page 138</p> <p>1 MS. LEBEL: Object to form.</p> <p>2 A. Sure, yes.</p> <p>3 Q. (BY MS. PERALES) Would it be fair to say that</p> <p>4 somebody who votes from home because they have a</p> <p>5 physical disability that affects their mobility might</p> <p>6 have some difficulty getting to your office to correct</p> <p>7 the mail ballot carrier envelope?</p> <p>8 A. Yes.</p> <p>9 Q. Would it also be fair to say that if a voter is</p> <p>10 over 65, they could also have some kind of mobility</p> <p>11 challenges that would make it difficult for them to</p> <p>12 physically get to your office?</p> <p>13 MS. LEBEL: Object to form.</p> <p>14 A. Yes.</p> <p>15 Q. (BY MS. PERALES) Okay. And I believe you</p> <p>16 testified earlier that your office does not personally</p> <p>17 deliver carrier envelopes to voters at their address; is</p> <p>18 that right?</p> <p>19 A. Correct.</p> <p>20 Q. Is there a reason that you don't do that?</p> <p>21 A. The sheer number of applications that we have</p> <p>22 and -- I mean, that's one reason. We -- we don't -- we</p> <p>23 have, like, two county vehicles. I mean, we don't even</p> <p>24 have cars for our staff to do county work in, as already</p> <p>25 we don't. And, frankly, I think there's a safety issue</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Yes.</p> <p>2 Q. (BY MS. PERALES) Would it be fair to say that</p> <p>3 with your 17 employees, you run a very large election</p> <p>4 administration operation compared to other counties in</p> <p>5 the state?</p> <p>6 MS. LEBEL: Object to form.</p> <p>7 MS. HUNKER: Objection. Form.</p> <p>8 A. Compared to most, yes. Although there are</p> <p>9 obviously, I think, seven or eight larger than us.</p> <p>10 Q. (BY MS. PERALES) And I believe in the</p> <p>11 deposition of Bexar County, Ms. Callanan referred to the</p> <p>12 offline counties as the big boys.</p> <p>13 A. Yes.</p> <p>14 Q. And El Paso is one of the big boys, yes?</p> <p>15 A. I would say big girls, but yes.</p> <p>16 Q. There we go.</p> <p>17 Would it be fair to say then that you are</p> <p>18 not personally aware of every instance in which a voter</p> <p>19 might decide that, for example, going through this</p> <p>20 process of curing the ID number is simply more than they</p> <p>21 can handle, and they choose not to vote?</p> <p>22 MS. LEBEL: Object to form.</p> <p>23 MS. HUNKER: Object to form.</p> <p>24 A. Correct.</p> <p>25 Q. (BY MS. PERALES) Would it also be fair to say</p>
<p style="text-align: right;">Page 139</p> <p>1 with that; I don't encourage our staff to go out to the</p> <p>2 voters' homes for any reason.</p> <p>3 Q. Okay. So then would you agree with me that</p> <p>4 when we're looking at slide 19 in this presentation,</p> <p>5 that perhaps the most feasible approach would be to</p> <p>6 simply mail the carrier envelope back to the voter so</p> <p>7 the voter may correct the defect?</p> <p>8 MS. LEBEL: Object to form.</p> <p>9 MS. HUNKER: Objection. Form.</p> <p>10 A. Yes.</p> <p>11 Q. (BY MS. PERALES) Do you recall for the</p> <p>12 November 2020 General Election if any voters came</p> <p>13 personally to your office to correct the defect for the</p> <p>14 ID number?</p> <p>15 A. I believe, eight.</p> <p>16 Q. And there's also another possibly, which is</p> <p>17 that the voter could cancel the mail ballot and vote in</p> <p>18 person; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. But would you agree with me that if somebody</p> <p>21 had physical mobility challenges as a result of</p> <p>22 disability or advanced age, voting in person is -- also</p> <p>23 could present challenges?</p> <p>24 MS. LEBEL: Object to form.</p> <p>25 MS. HUNKER: Objection. Form.</p>	<p style="text-align: right;">Page 141</p> <p>1 that you wouldn't necessarily become personally aware of</p> <p>2 a situation in which a voter relies on a nonprofit</p> <p>3 community organization worker to come to their house and</p> <p>4 help them with their mail ballot and that, as a result</p> <p>5 of not having that person visit the voter, the voter</p> <p>6 doesn't vote?</p> <p>7 MS. LEBEL: Object to form. And I want to</p> <p>8 make sure we're still staying within the scope of</p> <p>9 November 2022 specifically.</p> <p>10 Q. (BY MS. PERALES) With respect to the November</p> <p>11 2022 General Election?</p> <p>12 MS. HUNKER: Objection. Form.</p> <p>13 A. Correct.</p> <p>14 Q. (BY MS. PERALES) And with respect to the</p> <p>15 November 2022 General Election, you wouldn't necessarily</p> <p>16 become personally aware if an individual who relies on</p> <p>17 an assister to help them vote in person wouldn't be able</p> <p>18 to vote because their assister was deterred by the new</p> <p>19 requirements in SB1?</p> <p>20 MS. LEBEL: Object to form.</p> <p>21 MS. HUNKER: Objection. Form.</p> <p>22 A. Correct.</p> <p>23 Q. (BY MS. PERALES) And you wouldn't personally</p> <p>24 be aware, would you, if with respect to the two</p> <p>25 incidents involving unruly poll watchers in the</p>

EXHIBIT

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Frank Phillips

March 31, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO §
ENTERO, ET AL., §

PLAINTIFFS, §

V. §

STATE OF TEXAS, ET §
AL., §

DEFENDANTS. §

CIVIL ACTION NO.5:21-CV-844 (XR)
(CONSOLIDATED CASES)

ORAL DEPOSITION OF

FRANK PHILLIPS

MARCH 31, 2023

ORAL DEPOSITION OF FRANK PHILLIPS, PRODUCED AS A
WITNESS AT THE INSTANCE OF THE PLAINTIFF, AND DULY
SWORN, WAS TAKEN IN THE ABOVE-STYLED AND -NUMBERED CAUSE
ON THE 31ST DAY OF MARCH, 2023, FROM 9:14 A.M. TO
12:40 P.M., BEFORE KAREN A. GONZALEZ, COMMISSIONED
NOTARY, IN AND FOR THE STATE OF TEXAS, REPORTED BY
MACHINE SHORTHAND, FROM DALLAS COUNTY, TEXAS, PURSUANT
TO THE TEXAS RULES OF CIVIL PROCEDURE, THE TEXAS SUPREME
COURT EMERGENCY ORDER REGARDING THE COVID-19 STATE OF
DISASTER AND THE PROVISIONS STATED ON THE RECORD OR
ATTACHED HERETO.

Frank Phillips

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REPORTED FROM DALLAS COUNTY, TEXAS

PROCEEDINGS

THE REPORTER: WE ARE NOW ON THE RECORD.

TODAY IS MARCH 31ST, 2023. THE TIME IS NOW 9:14 A.M.

CENTRAL STANDARD TIME.

WE ARE HERE TO TAKE MR. FRANK PHILLIPS'S

DEPOSITION IN THE MATTER LA UNIÓN DEL PUEBLO ENTERO, ET

AL., PLAINTIFFS, VS. STATE OF TEXAS, ET AL., DEFENDANTS.

WE ARE CURRENTLY LOCATED AT 2001 BEACH

STREET, SUITE 700, FORT WORTH, TEXAS, 76103.

AT THIS TIME, WILL COUNSEL STATE YOUR

APPEARANCE FOR THE RECORD, PLEASE.

MS. YUN: JENNIFER YUN FROM THE DEPARTMENT

OF JUSTICE.

MS. HUNKER: KATHLEEN HUNKER WITH THE OFFICE

OF THE TEXAS ATTORNEY GENERAL REPRESENTING STATE

DEFENDANTS AND INDIVIDUAL EX-LEADERS.

MR. D'ANGELO: WILLIAM D'ANGELO FROM

ARENTOX SCHIFF REPRESENTING -- CO-COUNSEL FOR THE

PLAINTIFFS.

THE REPORTER: ANYBODY ELSE FROM ZOOM?

MR. KENNY: STEPHEN KENNY, JONES DAY,

REPRESENTING THE INTERVENOR DEFENDANTS.

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THE REPORTER: THANK YOU.

MR. FRANK PHILLIPS, IF YOU COULD PLEASE

RAISE YOUR RIGHT HAND.

THE WITNESS: I DO.

FRANK PHILLIPS,

HAVING BEEN FIRST DULY SWORN, WAS EXAMINED

AND TESTIFIED AS FOLLOWS:

EXAMINATION

BY MS. YUN:

Q. GOOD MORNING, MR. PHILLIPS.

A. GOOD MORNING.

Q. WE MET ALREADY, BUT I'M JENNIFER YUN FROM THE

U.S. DEPARTMENT OF JUSTICE.

A. OKAY.

Q. THANK YOU FOR JOINING US THIS MORNING.

A. SURE.

Q. COULD YOU PLEASE STATE YOUR NAME FOR THE RECORD?

A. FRANK PHILLIPS.

Q. BEFORE WE DO ANYTHING ELSE, I WANT TO MAKE SURE

WE HAVE A SMOOTH DEPOSITION.

ARE YOU -- HAVE YOU EVER BEEN DEPOSED BEFORE?

A. I HAVE NOT.

Q. SO HERE'S SOME GROUND RULES TO HELP US THROUGHOUT

THE DEPOSITION. SO FIRST THIS WORKS BEST FOR THE COURT

REPORTER IF YOU WAIT TO START YOUR ANSWER UNTIL I

Frank Phillips

March 31, 2023
Pages 38 to 41

<p style="text-align: right;">Page 38</p> <p>1 A. I BELIEVE SO.</p> <p>2 Q. YEAH.</p> <p>3 A. I DON'T REMEMBER THE EXACT DATE.</p> <p>4 Q. OKAY. YEAH.</p> <p>5 A. I BELIEVE THAT'S CORRECT.</p> <p>6 Q. I WILL JUST -- I CAN ALSO REFRESH YOUR MEMORY ON</p> <p>7 THE FIRST EXHIBIT WE LOOKED AT, WHICH QUOTED YOU ABOUT</p> <p>8 THE CARROLLTON CASE.</p> <p>9 A. UH-HUH.</p> <p>10 Q. WAS OCTOBER 2020, IS WHEN YOU --</p> <p>11 A. OKAY.</p> <p>12 Q. -- SPOKE.</p> <p>13 A. YEAH.</p> <p>14 Q. OKAY. I'M SORRY. THAT IS --</p> <p>15 A. WELL, THAT WOULD BE ACCURATE.</p> <p>16 Q. YEAH.</p> <p>17 A. I STILL THINK IT'S ACCURATE.</p> <p>18 Q. OKAY.</p> <p>19 A. YEAH.</p> <p>20 Q. AND SO YOU STILL BELIEVE THAT STATEMENT TO BE</p> <p>21 ACCURATE THAT IT'S A VERY SMALL FRACTION?</p> <p>22 A. ABSOLUTELY.</p> <p>23 Q. OKAY. YOU CAN SET THAT ONE ASIDE.</p> <p>24 OKAY. WE'RE GOING TO TURN TO SB 1, SB 1'S MAIL</p> <p>25 VOTING REQUIREMENTS TO BE EXACT.</p>	<p style="text-align: right;">Page 40</p> <p>1 OFFICE?</p> <p>2 A. NOTHING.</p> <p>3 Q. OKAY.</p> <p>4 A. I NEVER GOT A REPLY.</p> <p>5 Q. UNDERSTOOD.</p> <p>6 OKAY. SO WHEN I SAY -- I'M GOING TO REFER TO</p> <p>7 SB 1'S ID NUMBER REQUIREMENTS FREQUENTLY GOING FORWARD.</p> <p>8 A. OKAY.</p> <p>9 Q. AND I'M REFERRING TO THE REQUIREMENT THAT EVERY</p> <p>10 VOTER HAS TO PUT AN ID NUMBER, EITHER THEIR LAST FOUR</p> <p>11 DIGITS OF THEIR SOCIAL OR THEIR TEXAS ID NUMBER OR CHECK</p> <p>12 THE BOX THAT THEY DON'T HAVE EITHER --</p> <p>13 A. CORRECT.</p> <p>14 Q. -- WHEN THEY'RE SENDING IN THEIR APPLICATION FOR</p> <p>15 BALLOT BY MAIL OR THEIR MAIL BALLOTS?</p> <p>16 IS THAT CLEAR?</p> <p>17 A. YES.</p> <p>18 Q. OKAY. AND WHEN I SAY ABBM, I'M REFERRING TO THE</p> <p>19 APPLICATION.</p> <p>20 A. APPLICATION FOR BALLOT BY MAIL, YES.</p> <p>21 Q. YES. YEAH. JUST SO THAT THE RECORD IS CLEAR.</p> <p>22 DO YOU BELIEVE THAT SB 1'S ID NUMBER REQUIREMENTS</p> <p>23 FOR MAIL VOTING ARE NECESSARY TO PREVENT MAIL VOTER</p> <p>24 IMPERSONATION?</p> <p>25 MS. HUNKER: OBJECTION; FORM.</p>
<p style="text-align: right;">Page 39</p> <p>1 SO I THINK YOU ALREADY ANSWERED THIS QUESTION,</p> <p>2 BUT JUST TO MAKE SURE, SINCE SB 1 WAS IMPLEMENTED, SO</p> <p>3 DECEMBER OF 2021, YOUR OFFICE HAS NEVER REFERRED -- I</p> <p>4 BELIEVE YOU TESTIFIED -- AND PLEASE CORRECT ME IF I'M</p> <p>5 WRONG -- THAT YOUR OFFICE HAS NEVER REFERRED ANY VOTER</p> <p>6 AS A POTENTIAL CASE OF MAIL VOTER IMPERSONATION SINCE</p> <p>7 THIS CARROLLTON CASE HAPPENED; IS THAT RIGHT?</p> <p>8 A. THAT'S CORRECT.</p> <p>9 Q. OKAY. SO IT IS FAIR TO SAY THAT NO ONE WAS EVER</p> <p>10 REFERRED TO LAW ENFORCEMENT AS A POTENTIAL CASE OF VOTER</p> <p>11 FRAUD BASED ON ANY SB 1 MAIL VOTING REQUIREMENTS.</p> <p>12 MS. HUNKER: OBJECTION; FORM.</p> <p>13 A. THAT'S FAIR TO SAY FOR DENTON COUNTY, YES.</p> <p>14 Q. (BY MS. YUN) ARE YOU AWARE OF ANY OTHER COUNTY</p> <p>15 THAT -- WHERE THAT MAY HAVE HAPPENED?</p> <p>16 A. I AM NOT.</p> <p>17 Q. AND WOULD IT -- IS IT FAIR TO SAY THAT IF YOU</p> <p>18 DETECTED ANY MAIL VOTER IMPERSONATION, YOU WOULD REFER</p> <p>19 THAT CASE TO A LAW ENFORCEMENT AGENCY?</p> <p>20 A. YES.</p> <p>21 Q. JUST GOING BACK, I JUST REMEMBERED THAT YOU SAID</p> <p>22 THAT WITH THE CARROLLTON CASE, YOU E-MAILED THE</p> <p>23 SECRETARY OF STATE'S OFFICE, AS WELL AS CALLED THE</p> <p>24 SHERIFF'S OFFICE.</p> <p>25 WHAT HAPPENED WITH THE SECRETARY OF STATE'S</p>	<p style="text-align: right;">Page 41</p> <p>1 A. TO YOUR EXACT QUESTION, THE ANSWER WILL BE NO.</p> <p>2 Q. (BY MS. YUN) AND WHY IS THAT?</p> <p>3 A. WELL, I MEAN, I THINK WE'VE DONE A DECENT JOB IN</p> <p>4 THE PAST WITHOUT THOSE REQUIREMENTS, BUT THAT DOESN'T</p> <p>5 MEAN THESE REQUIREMENTS DON'T ADD ANOTHER LAYER OF</p> <p>6 SECURITY. SO WE'VE PROVEN WE CAN DO IT WITHOUT IT,</p> <p>7 BUT -- SO, I MEAN, THAT'S WHAT I BASE THAT OUT OF.</p> <p>8 WE'VE DONE IT BEFORE WITHOUT IT.</p> <p>9 Q. UH-HUH. THAT'S FAIR.</p> <p>10 DO YOU BELIEVE THAT SB 1'S ID REQUIREMENTS ARE</p> <p>11 NECESSARY TO PREVENT ANY OTHER TYPES OF ELECTION CRIMES?</p> <p>12 A. OKAY. WHEN YOU SAY SB 1 REQUIREMENTS, WHAT SB 1</p> <p>13 REQUIREMENTS ARE YOU SPEAKING OF?</p> <p>14 Q. THE ID NUMBER.</p> <p>15 A. THE ID NUMBERS?</p> <p>16 MS. HUNKER: SAME OBJECTION.</p> <p>17 A. YEAH. OFF THE TOP OF MY HEAD, I CAN'T THINK OF</p> <p>18 ANY OTHER ELECTION CRIME THAT IT WOULD PREVENT.</p> <p>19 Q. (BY MS. YUN) OKAY. SO TALKING ABOUT THE --</p> <p>20 MOVING AWAY FROM ANY ELECTION CRIMES OR REFERRALS TO LAW</p> <p>21 ENFORCEMENT, I THINK WE'VE -- I SORT OF PARAPHRASED IT</p> <p>22 EARLIER.</p> <p>23 BUT, IN YOUR OWN WORDS, WHAT IS YOUR</p> <p>24 UNDERSTANDING OF SB 1'S ID NUMBER REQUIREMENTS FOR MAIL</p> <p>25 VOTING?</p>

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March 31, 2023
Pages 42 to 45

<p style="text-align: right;">Page 42</p> <p>1 A. THE APPLICANT OR THE VOTER RETURNING A CARRIER 2 ENVELOPE WITH A VOTED MAIL BALLOT HAS TO EITHER PUT 3 THEIR TEXAS DRIVER'S LICENSE, OR ID NUMBER, OR THE LAST 4 FOUR OF THEIR SOCIAL SECURITY NUMBER. AND ONE OF THOSE, 5 WHICHEVER ONE THEY PUT OR BOTH, WOULD HAVE TO MATCH WHAT 6 IS IN OUR VOTER REGISTRATION SYSTEM REGARDING SAME LIKE 7 NUMBER, TEXAS DL, OR SOCIAL SECURITY. 8 Q. OKAY. SO THE OFFICIAL ABBM, AND THE CARRIER 9 ENVELOPES, STATE THAT VOTERS SHOULD PUT EITHER THEIR 10 STATE ID NUMBER OR THE LAST FOUR DIGITS OF THEIR SOCIAL 11 RATHER THAN PUTTING BOTH NUMBERS DOWN; IS THAT CORRECT? 12 A. CORRECT. 13 Q. SO I'M GOING TO ASK YOU ABOUT HOW SB 1'S ID 14 NUMBER REQUIREMENTS HAVE IMPACTED YOUR OFFICE AND DENTON 15 COUNTY VOTERS, BUT I WOULD LIKE TO TAKE THAT ELECTION BY 16 ELECTION SINCE MANY ELECTIONS HAVE HAPPENED -- 17 A. SURE. 18 Q. -- SINCE SB 1 WENT INTO EFFECT. 19 SO I BELIEVE THERE WAS A SPECIAL ELECTION IN 20 JANUARY 2022; IS THAT RIGHT? 21 A. THAT'S CORRECT. 22 Q. HOW DID THE ID NUMBER REQUIREMENT -- SB 1'S ID 23 REQUIREMENT AFFECT YOUR OFFICE FOR THAT ELECTION? 24 MS. HUNKER: OBJECTION; FORM. 25 A. I GUESS IN TWO WAYS. BECAUSE -- THIS WILL TAKE A</p>	<p style="text-align: right;">Page 44</p> <p>1 TOWARDS THE END OF JANUARY OR TOWARDS THE BEGINNING OF 2 JANUARY? 3 A. I'M SORRY, I DON'T REMEMBER. 4 Q. SO -- AND THEN THE NEXT ELECTION WAS THE MARCH 5 PRIMARY? 6 A. CORRECT. 7 Q. AND COULD YOU TELL US ABOUT HOW THE ID NUMBER 8 REQUIREMENT AFFECTED YOUR OFFICE FOR THAT ELECTION? 9 A. YEAH. WELL, YOU HAVE A COUPLE OF THINGS. YOU 10 HAVE A TRAINING CURVE FOR EARLY VOTING BALLOT BOARD, 11 'CAUSE WE HAVE TO TRAIN THEM WHAT THEIR NEW DUTIES ARE, 12 WHAT TO LOOK FOR. OUR STAFF FOR THE SAME REASONS. 13 BUT YOU HAD, OF COURSE, A MUCH WIDER -- A MUCH 14 LARGER VOTER REGISTRATION POOL TO PULL FROM THAN WE DID 15 IN JANUARY. SO WE SUFFERED THE SAME INITIAL HIGH 16 REJECTION RATE AT THE BEGINNING OF OUR ELECTION. 17 Q. YOU JUST SAID THAT AT THE BEGINNING OF EARLY 18 VOTING. 19 SO DID THE REJECTION RATE EVENTUALLY GO DOWN? 20 A. IT DID. IT DECLINED STEADILY THROUGHOUT THE 21 VOTING PERIOD, YES. 22 Q. WOULD YOU SAY THAT THE REJECTION RATE DID REMAIN 23 HIGH OVERALL AT THE END OF THE -- OVERALL? 24 MS. HUNKER: OBJECTION; FORM. 25 A. I THINK BY THE END OF THE VOTING PERIOD, WE WERE</p>
<p style="text-align: right;">Page 43</p> <p>1 LITTLE EXPLANATION. BECAUSE THE LEGISLATURE PASSED THAT 2 BILL TOWARDS THE VERY END OF THE SESSION LATE IN THE 3 YEAR, AND IT REQUIRED CHANGES TO ENVELOPES, 4 APPLICATIONS, PRINTING -- 5 Q. (BY MS. YUN) UH-HUH. 6 A. -- AND, YOU KNOW, THERE'S STILL -- AT THE TIME, 7 ANYWAY, THERE WAS KIND OF STILL A SHORTAGE OF PAPER, 8 HARD TO GET, REGARDLESS OF WHAT THE PAPER WAS USED FOR, 9 IT PUT US IN A -- US ANYWAY. BECAUSE I THINK WHEN THE 10 LEGISLATURE FIRST PASSED IT, THEY'RE ASSUMING THE FIRST 11 ELECTION COMING UP IS GOING TO BE MARCH PRIMARY. 12 Q. RIGHT. 13 A. AND FOR MOST OF THE STATE, THAT WAS CORRECT. 14 Q. UH-HUH. 15 A. IT WAS NOT CORRECT FOR US BECAUSE WE HAD A 16 SPECIAL ELECTION IN JANUARY. AND SO IT PUT US IN A 17 CRUNCH WHERE WE WERE TRYING TO GET THE NEW CARRIER 18 ENVELOPE IN PLACE, AND WHICH WE DID. BUT THEN IT WAS 19 NEW TO VOTERS. 20 Q. UH-HUH. 21 A. SO THERE WAS THAT. 22 AND INITIALLY, I BELIEVE, SOME CONFUSION WITH 23 VOTERS, ESPECIALLY THOSE WHO HAD BEEN VOTING BY MAIL FOR 24 YEARS. SO WE HAD A HIGHER-THAN-NORMAL REJECTION RATE. 25 Q. AND THAT WAS -- THAT SPECIAL ELECTION, WAS THAT</p>	<p style="text-align: right;">Page 45</p> <p>1 PROBABLY STILL SLIGHTLY HIGHER THAN NORMAL, BUT WE WERE 2 MUCH CLOSER THAN NORMAL. 3 Q. (BY MS. YUN) I'M GOING TO SHOW YOU AN EXHIBIT. 4 I'M HANDING YOU WHAT'S BEEN MARKED AS EXHIBIT 6. AND 5 I'LL REPRESENT TO YOU THAT THIS WAS A SPREADSHEET 6 PRODUCED BY THE STATE OF TEXAS REGARDING THE MARCH 2022 7 PRIMARY ELECTION MAIL BALLOT REJECTION. AND THEY'RE 8 DIVIDED -- SEPARATED FOR THE REPUBLICAN PRIMARY AND THE 9 DEMOCRATIC PRIMARY. 10 (EXHIBIT 6 MARKED.) 11 A. OKAY. 12 Q. (BY MS. YUN) OKAY. SO ON THE SECOND PAGE -- I 13 BELIEVE DENTON IS ON THE SECOND PAGE. FOR THE 14 REPUBLICAN PRIMARY, IT'S SHOWING 17.39 PERCENT. 15 DOES THAT COMPORT WITH YOUR MEMORY OF WHAT 16 HAPPENED DURING THAT MARCH PRIMARY FOR THE REPUBLICAN 17 PARTY? 18 A. THAT -- I MEAN, I'LL START IT WITH I DON'T KNOW 19 WHERE THEY GOT THEIR NUMBERS FROM. 20 Q. UH-HUH. 21 A. BUT THIS DOES NOT FEEL INACCURATE. IT FEELS LIKE 22 IT'S PROBABLY PRETTY CLOSE. 23 Q. OKAY. LET'S SWITCH QUICKLY TO THE -- I BELIEVE 24 SO -- IT'S THE SECOND PAGE OF THE DEMOCRATIC -- 25 A. YEAH.</p>

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Pages 50 to 53

<p style="text-align: right;">Page 50</p> <p>1 WE ARE BACK ON THE RECORD.</p> <p>2 Q. (BY MS. YUN) SO WE'VE BEEN TALKING ABOUT THE ID</p> <p>3 NUMBER REQUIREMENTS FOR A LITTLE BIT, SO I WANT TO ASK</p> <p>4 YOU ABOUT SOME OF THE WORK THAT YOUR OFFICE DID WITH</p> <p>5 VOTERS TO TELL THEM ABOUT THE ID REQUIREMENT.</p> <p>6 A. OKAY.</p> <p>7 Q. DID YOUR OFFICE COMMUNICATE WITH VOTERS REGARDING</p> <p>8 THE NEW ID NUMBER REQUIREMENTS UNDER SB 1?</p> <p>9 A. YES, WE DID.</p> <p>10 Q. HOW -- HOW DID YOU DO THAT?</p> <p>11 A. A COUPLE WAYS. ONE, THROUGH SOCIAL MEDIA, MAINLY</p> <p>12 A FACEBOOK ACCOUNT. SECOND WAS AN INSERT THAT WE PUT</p> <p>13 INTO OUR MAIL BALLOT THAT GAVE THEM A STEP BY STEP WITH</p> <p>14 LITTLE SCREENSHOTS, FOR LACK OF A BETTER TERM. "ENTER</p> <p>15 YOUR ID NUMBER HERE." WE EVEN PUT ON THERE, "WE</p> <p>16 RECOMMEND" -- "WE KNOW THE FORM SAYS 'OR.' WE RECOMMEND</p> <p>17 YOU PUT BOTH," JUST IN CASE WE DIDN'T HAVE THE ONE YOU</p> <p>18 DECIDE TO PUT DOWN. EXPLAINED TO THEM -- TO THEM TO DO</p> <p>19 THAT BEFORE THEY SEALED THE FLAP. AND THEN AFTER THEY</p> <p>20 SEALED THE FLAP, TO PUT A SIGNATURE. AND THEN WE --</p> <p>21 WHICH IS STILL ON OUR WEBSITE TODAY. WE HAD A VIDEO ON</p> <p>22 HOW TO COMPLETE YOUR APPLICATION AND YOUR CARRIER</p> <p>23 ENVELOPES.</p> <p>24 Q. AND WHEN DID YOU -- WHEN DID YOUR OFFICE START</p> <p>25 SEND ING OUT INSERTS WITH THE MAIL BALLOTS?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. AND DID YOU ALSO -- WAS THAT RECOMMENDATION</p> <p>2 COMMUNICATED THROUGH OTHER MEANS?</p> <p>3 A. IT'S ON THAT VIDEO THAT I SPOKE OF THAT'S ON THE</p> <p>4 WEBSITE, YES.</p> <p>5 Q. AND DO YOU REMEMBER WHEN THE VIDEO WAS PUT ON THE</p> <p>6 WEBSITE?</p> <p>7 A. I DON'T.</p> <p>8 Q. WAS IT BEFORE THE GENERAL ELECTION?</p> <p>9 A. YES, DEFINITELY.</p> <p>10 Q. SO IT WAS IN PLACE BEFORE THE MARCH PRIMARY AS</p> <p>11 WELL?</p> <p>12 A. I'M NOT SURE IF IT WAS IN THE INTERIM OR EVEN</p> <p>13 BEFORE THE PR MARY. I'M JUST NOT SURE. BUT I KNOW IT</p> <p>14 WAS IN PLACE FOR THE GENERAL. BUT EXACTLY WHEN IT WENT</p> <p>15 UP, I'M NOT SURE.</p> <p>16 Q. OKAY. AND YOU TOUCHED ON THIS A LITTLE BIT A</p> <p>17 MOMENT AGO, BUT WHY DID YOU RECOMMEND PUTTING BOTH</p> <p>18 NUMBERS DOWN?</p> <p>19 A. MAINLY BECAUSE WE WERE SEEING, WHICH YOU KIND OF</p> <p>20 REFERENCED EARLIER IN YOUR LIST OF POSSIBLE REASONS FOR</p> <p>21 CURE, WE WOULD FIND THAT SOMEONE WOULD PUT THEIR</p> <p>22 DRIVER'S LICENSE NUMBER OR STATE ID NUMBER AND NOT THEIR</p> <p>23 SOCIAL. BUT THE SOCIAL WE HAD. WE DID NOT HAVE THEIR</p> <p>24 DL OR VICE VERSA. SO WE WANTED TO GIVE THEM EVERY</p> <p>25 OPPORTUNITY TO PREVENT A CURE SITUATION SO THEY COULD</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I COULD BE MISTAKEN ON THIS, BUT I BELIEVE -- I</p> <p>2 DON'T BELIEVE WE DID IT IN THE JANUARY SPECIAL ELECTION,</p> <p>3 BUT WE DID FOR THE PRIMARY. I STAND TO BE CORRECTED ON</p> <p>4 THAT BY MY MAIL BALLOT PERSON.</p> <p>5 Q. OKAY. AND THE INSERT THAT YOU WERE REFERRING TO,</p> <p>6 COULD WE GET A COPY OF THAT? I UNDERSTAND THAT YOU</p> <p>7 DON'T HAVE IT WITH YOU.</p> <p>8 A. I DON'T HAVE IT WITH ME, BUT SURE.</p> <p>9 Q. BUT -- YEAH, THROUGH MS. HUNKER, IF YOU COULD</p> <p>10 SEND IT OVER.</p> <p>11 A. SURE.</p> <p>12 Q. THANK YOU.</p> <p>13 AND THE INSERT, YOU SAID, WAS FOR THE MAIL BALLOT</p> <p>14 CARRIER ENVELOPE; IS THAT RIGHT?</p> <p>15 A. THAT'S CORRECT.</p> <p>16 Q. AND WHY DID YOUR OFFICE DECIDE TO ENGAGE IN THOSE</p> <p>17 EFFORTS?</p> <p>18 A. BECAUSE OF OUR INITIAL EXPERIENCE WITH THE HIGHER</p> <p>19 REJECTION RATE, WE WANTED TO -- I MEAN, IT'S EASY TO</p> <p>20 MISS WHERE IT'S AT ON THE CARRIER ENVELOPE, SO WE WANTED</p> <p>21 TO MAKE SURE THEY SAW IT.</p> <p>22 Q. AND YOU JUST TOLD ME THAT ON THE INSERT IT</p> <p>23 SAYS -- IT RECOMMENDS TO VOTERS TO PUT BOTH NUMBERS</p> <p>24 DOWN; IS THAT RIGHT?</p> <p>25 A. THAT WE RECOMMEND THAT, YES.</p>	<p style="text-align: right;">Page 53</p> <p>1 HIT ONE OF THE NUMBERS THAT WE HAPPENED TO HAVE.</p> <p>2 Q. RIGHT.</p> <p>3 SO THE INSERT THAT YOU WERE DESCRIBING IS</p> <p>4 SOMETHING THAT YOUR OFFICE CREATED, CORRECT?</p> <p>5 A. THAT'S CORRECT.</p> <p>6 Q. AND ARE YOU AWARE OF THE SECRETARY OF STATE'S</p> <p>7 INSERT FOR THE ID NUMBER REQUIREMENT?</p> <p>8 A. I'M AWARE THEY HAVE ONE. I CAN'T RECALL WHAT IT</p> <p>9 LOOKS LIKE, TO BE HONEST WITH YOU.</p> <p>10 Q. DID YOU CONSIDER USING THE SECRETARY OF STATE'S</p> <p>11 INSERT?</p> <p>12 A. OKAY. WHAT I -- WHAT I BELIEVE TO BE ACCURATE,</p> <p>13 BUT I COULD BE WRONG AGAIN, I THINK WE CAME UP WITH OUR</p> <p>14 INSERT FIRST. AND WHEN THEY CAME OUT WITH THEIRS, I'M</p> <p>15 SURE WE LOOKED AT IT AND STUCK WITH OURS. PROBABLY HAS</p> <p>16 THE SAME TYPE OF INFO.</p> <p>17 Q. GOT IT.</p> <p>18 AND BASED ON YOUR EXPERIENCE THUS FAR IN 2022,</p> <p>19 ARE YOU PLANNING ON USING THE INSERT GOING FORWARD?</p> <p>20 A. WE ARE STILL USING IT. AND JUST OUT OF AN EXCESS</p> <p>21 OF CAUTION, WE'LL PROBABLY CONTINUE TO USE IT.</p> <p>22 Q. HAVE YOU CONSIDERED USING -- OR CREATING ONE FOR</p> <p>23 ABBMS?</p> <p>24 A. I THINK WE DID TALK ABOUT IT. A LOT OF ABBMS</p> <p>25 DON'T COME FROM US. THEY GET THEM ON THEIR OWN. THEY</p>

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Pages 70 to 73

<p style="text-align: right;">Page 70</p> <p>1 IF THERE'S AN E-MAIL ADDRESS.</p> <p>2 A. YES.</p> <p>3 Q. SO IF THERE IS NO E-MAIL ADDRESS, YOU CALL; IS</p> <p>4 THAT RIGHT?</p> <p>5 A. IF WE HAVE THAT NUMBER.</p> <p>6 Q. AND SOMETIMES YOU CALL AND NO ONE PICKS UP,</p> <p>7 RIGHT?</p> <p>8 A. THAT HAPPENS MORE OFTEN THAN NOT THESE DAYS.</p> <p>9 Q. OKAY. AND WHAT IS -- WHAT DOES YOUR STAFF DO?</p> <p>10 A. WELL, IF THEY CALL -- IF THEY HAVE A NUMBER, CALL</p> <p>11 IT AND NOBODY ANSWERS, THEY LEAVE A VOICEMAIL. AND WE</p> <p>12 HAVE A -- WE HAVE A DEDICATED OUTLOOK INBOX FOR THE</p> <p>13 EARLY VOTING BALLOT BOARD SIGNATURE VERIFICATION</p> <p>14 COMMITTEE THAT ALL OF THOSE E-MAILS AND/OR VOICEMAILS</p> <p>15 WILL GO BACK TO --</p> <p>16 Q. OKAY.</p> <p>17 A. -- SO THEY'RE NOT JUST BOUNCING AROUND</p> <p>18 20 DIFFERENT EMPLOYEES. SO IT GOES STRAIGHT TO THE</p> <p>19 BALLOT BOARD FOR THEM TO RESPOND TO.</p> <p>20 NOW, IF WE HAVE NEITHER AN E-MAIL OR PHONE</p> <p>21 NUMBER, THEN WE JUST MAIL THE LETTER.</p> <p>22 Q. SO IT'S POSSIBLE THAT IF YOU ARE MAILING SORT OF</p> <p>23 CLOSE TO THE ELECTION, THAT THEY WON'T GET THE NOTICE</p> <p>24 UNTIL --</p> <p>25 A. TOTALLY POSSIBLE.</p>	<p style="text-align: right;">Page 72</p> <p>1 GENERALLY THROUGHOUT ANY ELECTION --</p> <p>2 Q. UH-HUH.</p> <p>3 A. -- YOU JUST CHECK IN.</p> <p>4 Q. RIGHT.</p> <p>5 A. "HOW ARE THINGS GOING?"</p> <p>6 Q. RIGHT.</p> <p>7 A. "ARE THERE ANY ISSUES?" AND I DO REMEMBER THEM</p> <p>8 TALKING ABOUT ONE OR TWO.</p> <p>9 Q. OKAY. AND YOU DON'T REMEMBER HOW THOSE ISSUES</p> <p>10 RESOLVED?</p> <p>11 A. I DON'T.</p> <p>12 Q. I'M GOING TO TALK ABOUT SOME OF THE STAFFING THAT</p> <p>13 YOU MENTIONED AROUND ELECTIONS.</p> <p>14 SO DURING THE PRIMARIES IN MARCH 2022 --</p> <p>15 A. OKAY.</p> <p>16 Q. -- DID YOUR OFFICE HIRE ANY EMPLOYEES OR</p> <p>17 CONTRACTORS OR TEMPORARY EMPLOYEES IN ORDER TO</p> <p>18 FACILITATE OR ASSIST WITH MAIL VOTING REQUIREMENTS OF</p> <p>19 SB 1?</p> <p>20 A. YES.</p> <p>21 Q. HOW MANY? DO YOU REMEMBER?</p> <p>22 A. I DON'T REMEMBER THE EXACT NUMBER. I'M GOING TO</p> <p>23 GIVE YOU AN ESTIMATE.</p> <p>24 Q. UH-HUH.</p> <p>25 A. I WOULD GUESS PROBABLY FOUR OR FIVE JUST FOR THAT</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. -- IT'S TOO LATE; IS THAT RIGHT?</p> <p>2 MS. HUNKER: OBJECTION; FORM.</p> <p>3 A. IT'S TOTALLY POSSIBLE.</p> <p>4 Q. (BY MS. YUN) IN 2022, TO THE BEST OF YOUR</p> <p>5 RECOLLECTION, WERE THERE ANY MILITARY OR OVERSEAS VOTERS</p> <p>6 WHO YOU NEEDED TO CONTACT FOR AN ID NUMBER ERROR ON</p> <p>7 THEIR ABBM OR MAIL BALLOT?</p> <p>8 A. I BELIEVE THERE WAS ONE OR TWO MAX. IT WAS VERY</p> <p>9 LOW.</p> <p>10 Q. OKAY.</p> <p>11 A. MILITARY GUYS ARE USUALLY PRETTY GOOD AT FILLING</p> <p>12 THEIR STUFF OUT CORRECTLY.</p> <p>13 Q. DO YOU KNOW HOW YOUR OFFICE WAS ABLE TO CONTACT</p> <p>14 THEM?</p> <p>15 A. I DO NOT. I -- I WOULD THINK IT WAS BY E-MAIL,</p> <p>16 BUT THAT'S NOT NECESSARILY THE WAY IT WAS. JUST DEPENDS</p> <p>17 ON HOW THEY SUBMITTED THEIR STUFF.</p> <p>18 Q. OKAY. SO YOU DON'T HAVE ANY PERSONAL KNOWLEDGE</p> <p>19 OF CONTACTING OVERSEAS OR MILITARY VOTERS ABOUT AN ID</p> <p>20 NUMBER?</p> <p>21 A. IT WOULDN'T BE ME PERSONALLY, NO.</p> <p>22 Q. OR DO YOU RECALL ANY SPECIFIC INSTANCES THAT YOU</p> <p>23 HEARD FROM YOUR STAFF --</p> <p>24 A. I MEAN, I REMEMBER STAFF TALKING ABOUT IT, BUT</p> <p>25 IT -- AND I'M GOING TO SAY THIS BECAUSE, YOU KNOW,</p>	<p style="text-align: right;">Page 73</p> <p>1 PURPOSE.</p> <p>2 Q. OKAY. AND WHY WAS THAT?</p> <p>3 A. JUST THE SHEER VOLUME WE WERE GETTING, AND IT</p> <p>4 TAKES -- IT TAKES A LOT OF PEOPLE TO STUFF THOSE</p> <p>5 ENVELOPES BECAUSE WE DON'T -- UNLIKE SOME COUNTIES, WE</p> <p>6 DON'T FARM OUT TO THIRD PARTIES OUR MAIL BALLOTS.</p> <p>7 Q. OKAY.</p> <p>8 A. WE DO IT ALL IN-HOUSE.</p> <p>9 Q. UH-HUH.</p> <p>10 A. TO THE BEST OF MY RECOLLECTION, IT WAS FOUR OR</p> <p>11 FIVE PEOPLE.</p> <p>12 Q. OKAY. AND WHEN YOU SAID THE SHEER VOLUME, SO THE</p> <p>13 VOLUME OF -- IT WASN'T THE -- WELL, SO IT WAS THE SHEER</p> <p>14 VOLUME OF MAIL BALLOTS THAT NEEDED TO BE --</p> <p>15 A. THAT'S A FAIR STATEMENT. I'M PROBABLY JUST</p> <p>16 REMEMBERING, YOU KNOW, THE PEOPLE WE HAD LINED UP IN THE</p> <p>17 HALL STUFFING BALLOTS.</p> <p>18 Q. UH-HUH.</p> <p>19 A. IT'S NOT NECESSARILY CONTRIBUTED TO SB 1, I</p> <p>20 GUESS. DOES THAT MAKE SENSE?</p> <p>21 Q. YEAH. I'M JUST TRYING TO -- SO LET ME JUST ASK</p> <p>22 IT DIFFERENTLY.</p> <p>23 A. YEAH.</p> <p>24 Q. SO THE FOUR OR FIVE PEOPLE THAT YOU DESCRIBED,</p> <p>25 WERE THOSE PEOPLE HIRED BECAUSE -- SOLELY BECAUSE OF</p>

Frank Phillips

March 31, 2023
Pages 94 to 97

<p style="text-align: right;">Page 94</p> <p>1 Q. LET'S GO WITH DENTON COUNTY FIRST, AND THEN YOU 2 CAN TALK ABOUT IN GENERAL. 3 MS. HUNKER: OBJECTION; FORM. 4 A. SURE. ONE WOULD BE JUST OUR GENERAL INCREASE IN 5 POPULATION. 6 Q. (BY MS. YUN) UH-HUH. 7 A. AND I THINK IT'S JUST BECOME MORE -- I HATE TO 8 SAY ADVERTISED. I THINK IT'S PROMOTED MORE THAN IT USED 9 TO BE. 10 Q. UH-HUH. 11 A. I THINK PEOPLE TAKE ADVANTAGE OF MAIL VOTING. I 12 MEAN, I JUST THINK PEOPLE -- A LOT OF PEOPLE DO IT JUST 13 BECAUSE IT'S CONVENIENT. SO A POPULATION INCREASE AND 14 THE GENERAL PROMOTION OF VOTING BY MAIL IS CAUSING AN 15 INCREASE. 16 Q. UH-HUH. 17 AND WOULD YOU AGREE THAT FOR SOME FOLKS IN DENTON 18 COUNTY, THAT IT IS THE ONLY WAY FOR THEM TO VOTE? 19 MS. HUNKER: OBJECTION; FORM. 20 A. FOR SOME FOLKS, YES. 21 Q. (BY MS. YUN) DUE TO DISABILITY, FOR EXAMPLE? 22 MS. HUNKER: OBJECTION; FORM. 23 A. PROBABLY DISABILITY, YES. 24 Q. (BY MS. YUN) AND WOULD YOU AGREE THAT FOR SOME 25 FOLKS, IT IS VERY DIFFICULT FOR THEM TO CURE THEIR MAIL</p>	<p style="text-align: right;">Page 96</p> <p>1 ANYTHING ELSE THAT YOU DISCUSSED WITH THE STATE ABOUT 2 YOUR TRIAL TESTIMONY THAT WE HAVEN'T DISCUSSED THUS FAR 3 TODAY? 4 A. I HAVEN'T DISCUSSED WITH THE STATE ABOUT MY -- 5 THE WITNESS: OH, ARE YOU THE STATE? 6 MS. HUNKER: I'M THE STATE. 7 Q. (BY MS. YUN) SORRY. THE AG'S OFFICE, 8 MS. HUNKER. 9 A. NO. 10 MS. YUN: NOTHING ELSE. AND SO I'LL PASS 11 THE WITNESS. 12 MS. HUNKER: ARE THERE ANY OTHER PLAINTIFF 13 GROUP THAT WOULD LIKE TO ASK QUESTIONS OF THE WITNESS ON 14 THE ZOOM CALL? 15 MR. D'ANGELO: NOT FOR ME, THANK YOU. 16 MS. HUNKER: THAT WAS WILLIAM D'ANGELO. 17 ANY OTHER PLAINTIFF GROUPS HAVE ANY 18 QUESTIONS FOR THE WITNESS? 19 HEARING NONE, THE STATE IS GOING TO DO A 20 SHORT DIRECT EXAMINATION. 21 EXAMINATION 22 BY MS. HUNKER: 23 Q. MR. PHILLIPS, HAVE VOTERS CONVEYED TO YOU 24 CONCERNS ABOUT VOTER FRAUD? 25 A. YES.</p>
<p style="text-align: right;">Page 95</p> <p>1 BALLOT ERROR? 2 MS. HUNKER: OBJECTION; FORM. 3 A. I WOULD SAY YES. 4 Q. (BY MS. YUN) OKAY. AND I THINK YOU TESTIFIED 5 EARLIER -- AND CORRECT ME IF I'M WRONG -- THAT SOMET MES 6 FOLKS DON'T GET NOTIFIED IN TIME TO CURE THEIR MAIL 7 BALLOT IN ORDER FOR THEIR BALLOT TO COUNT; IS THAT 8 RIGHT? 9 A. YEAH, ESPECIALLY IF THEY TURN IT IN NEAR THE END, 10 YOU KNOW, THE LAST DAY OF EARLY VOTING, THEN, YES, IT'S 11 GOING TO BE TOUGH. 12 MS. YUN: I THINK I AM ALMOST DONE. I JUST 13 WANT TO TAKE A QUICK BREAK. 14 THE REPORTER: THE TIME IS 11:58 A.M. WE 15 ARE OFF THE RECORD. 16 (OFF THE RECORD.) 17 THE REPORTER: THE TIME IS 12:05 P.M. WE 18 ARE BACK ON THE RECORD. 19 MS. YUN: OKAY. JUST FOR THE RECORD, SO 20 WE'RE GOING TO MARK THE ABBM FORM THAT MR. PHILLIPS 21 LOOKED AT AS EXHIBIT 8. AND THEN THE CARRIER ENVELOPE 22 THAT HE LOOKED AT TO REFRESH HIS RECOLLECTION AS EXHIBIT 23 NO. 9. 24 (EXHIBITS 8 AND 9 MARKED.) 25 Q. (BY MS. YUN) SO JUST TO WRAP UP, IS THERE</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. HAVE VOTERS CONVEYED TO YOU CONCERNS ABOUT MAIL 2 BALLOT VOTER FRAUD SPECIFICALLY? 3 A. YES. 4 Q. IN YOUR EXPERIENCE, DOES VOTERS' PERCEPTION THAT 5 VOTER FRAUD, INCLUDING MAIL BALLOT VOTING FRAUD, EXISTS 6 UNDERMINE THEIR CONFIDENCE IN ELECTION RESULTS? 7 A. ABSOLUTELY. 8 Q. IN YOUR EXPERIENCE, DOES VOTERS' PERCEPTION THAT 9 VOTER FRAUD, INCLUDING MAIL VOTER FRAUD, EXISTS 10 UNDERMINE THEIR TRUST IN THE ELECTORAL PROCESS? 11 A. YES. 12 Q. HAVE YOU SEEN AN INCREASE IN THE LACK OF TRUST IN 13 THE ELECTORAL PROCESS OVER THE LAST FEW YEARS? 14 A. WITHOUT A DOUBT. 15 Q. DO YOU RECALL TALKING WITH COUNSEL ABOUT HOW THE 16 SB 1 ID REQUIREMENT FOR MAIL-IN BALLOTS ADDED ANOTHER 17 LAYER OF PROTECTION? 18 A. YES. 19 Q. WHAT DID YOU MEAN BY THAT? 20 A. I BELIEVE WE WERE TALKING ABOUT PRIOR TO SB 1 AND 21 THE ID REQUIREMENTS, YOU KNOW, HAD WE DISCOVERED ANY 22 MAIL FRAUD. AND THE ANSWER WAS NO. BUT, IN MY MIND, 23 THAT DOESN'T MEAN YOU DON'T ADD ANOTHER SECURITY -- 24 ANOTHER LEVEL OF SECURITY, ESPECIALLY WHEN IT COMES TO 25 WHAT YOU WERE JUST TALKING ABOUT, ABOUT THE PERCEPTION</p>

EXHIBIT

98

JANE NELSON, et al.,
Defendants,

Case No. 1:21-cv-0786-XR

Rachelle Obakoizuwa

March 21, 2023

Pages 2 to 5

Page 2	Page 4
<p>1 MI FAMILIA VOTA, et § al., § 2 Plaintiffs, § § 3 v. § Case No. 5:21-cv-0920-XR § 4 GREG ABBOTT, et al., § Defendants. § 5 6 7 8 9 ORAL AND VIDEOTAPED DEPOSITION OF 10 RACHELLE OBAKOZUWA 11 MARCH 21, 2023 12 13 14 15 ORAL AND VIDEOTAPED DEPOSITION OF RACHELLE 16 OBAKOZUWA, produced as a witness at the instance of the 17 Defendants and duly sworn, was taken in the above styled 18 and numbered cause on Tuesday, March 21, 2023, from 19 3:51 p.m. to 6:44 p.m., before DONNA QUALLS, Notary 20 Public in and for the State of Texas, reported by 21 computerized stenotype machine, at the offices of Harris 22 County Attorney's Office, 1019 Congress Street, 15th 23 Floor, Houston, Texas, pursuant to the Federal Rules of 24 Civil Procedure, and any provisions stated on the record 25 or attached hereto.</p>	<p>1 LEIGH TOGNETTI (Via Zoom) LISA CUBRIEL, BEXAR COUNTY (Via Zoom) 2 LUCIA ROMANO (Via Zoom) MIKE STEWART, DOJ (Via Zoom) 3 URUJ SHEIKH, LDF (Via Zoom) REGGIE WRIGHT, THE VIDEOGRAPHER 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S 2 3 FOR THE HARRIS COUNTY ELECTIONS ADMINISTRATOR: SAMEER S. BIRRING TIFFANY BINGHAM 4 OFFICE OF THE HARRIS COUNTY ATTORNEY CHRISTIAN D. MENEFEE 5 1019 Congress, 15th Floor Houston, Texas 77002 6 (713) 274-5142 sameer.birring@harriscountytexas.gov 7 8 FOR THE HOUSTON AREA URBAN LEAGUE (HAUL) PLAINTIFFS: JENNIFER A. HOLMES 9 NAACP Legal Defense and Educational Fund, Inc. 700 14th Street N.W., Suite 600 10 Washington, District of Columbia 20005 (347) 573-0197 11 jholmes@naacpldf.org 12 13 FOR THE UNITED STATES: DANA PAIKOWSKY U.S. DEPARTMENT OF JUSTICE 14 950 Pennsylvania Avenue, NW Washington, District of Columbia 20530 15 (202) 353-5225 dana.paikowsky@usdoj.gov 16 17 FOR THE STATE DEFENDANTS: KATHLEEN T. HUNKER OFFICE OF THE ATTORNEY GENERAL 18 P.O. BOX 12548 (MC-009) AUSTIN, TEXAS 78711-2548 19 (512) 463-2100 kathleen.hunker@oag.texas.gov 20 21 Also Present: STEPHEN KENNY (Via Zoom) 22 BRADLEY PROWANT (Via Zoom) BREANNA WILLIAMS, NAACP (Via Zoom) 23 CARRIE LEBEL (Via Zoom) GERMAINE HABELL (Via Zoom) 24 JOHN GORE, GOP (Via Zoom) 25 JOHN SULLIVAN BAKER, DOJ (Via Zoom)</p>	<p>1 INDEX 2 3 PAGE 4 Appearances..... 3 5 RACHELLE OBAKOZUWA 6 Examination by Ms. Hunker..... 7 7 Examination by Ms. Paikowsky..... 56 8 Examination by Ms. Holmes..... 65 9 Further Examination by Ms. Hunker..... 88 10 11 Corrections & Signature..... 98 12 Reporter's Certificate..... 100 13 14 EXHIBIT INDEX 15 16 NUMBER DESCRIPTION PAGE 17 Exhibit 17 Report to secretary of state, 47 dated 12/08/2022 18 Exhibit 18 PowerPoint presentation, dated 79 03/29/2022 19 Exhibit 19 Oath of assistance 83 20 Exhibit 20 Oath of assistance and 84 interpreter 21 22 23 24 25</p>

Rachelle Obakojuwa

March 21, 2023
Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: We are now on the 2 record. This begins Videotape No. 1 in the deposition 3 of Rachelle Obakojuwa in the matter of La Union -- La 4 Union Del Pueblo Entero, et al., versus Gregory W. 5 Abbott, et al., filed in the United States District 6 Court, Western District of Texas, San Antonio Division, 7 Case No. 5:21-CV-844-XR. Time is 3:51 p.m. 8 THE REPORTER: Can I have all counsel 9 please state your appearance for the record. 10 MS. HUNKER: Kathleen Hunker for the Texas 11 Attorney General's Office representing the State 12 defendants. 13 MS. HOLMES: Jennifer Holmes on behalf of 14 the HAUL plaintiffs. 15 MS. PAIKOWSKY: Dana Paikowsky on behalf of 16 the United States. 17 MR. BIRRING: Sameer Birring on behalf of 18 the Harris County Elections Administrator witnesses. 19 MS. BINGHAM: And Tiffany Bingham on behalf 20 of the Harris County Election Administrator's Office. 21 MR. KENNY: Stephen Kenny, Jones Day, on 22 behalf of Intervenor-Defendants. 23 MS. HUNKER: Thank you. 24 RACHELLE OBAKOJUWA, 25 having been duly sworn, testified as follows:</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And was that involving Harris County elections? 2 A. Yes. 3 Q. And when was this deposition? 4 A. I believe it was 2018. 5 Q. And do you happen to remember the case name? 6 A. No. 7 Q. You understand that you're under oath, correct? 8 A. Correct. 9 Q. For the court reporter, you will need to 10 provide verbal answers like "yes" or "no" rather than 11 nodding or shaking your head. This has extra importance 12 here today because we have a bunch of attorneys 13 participating remotely through Zoom, and they may not -- 14 they may not be able to see if they are dialing in. 15 Does that make sense? 16 A. Yes. 17 Q. It also helps the court reporter if you and I 18 don't speak over one another. I'm going to do my best 19 to wait for you to finish your answer before I ask my 20 next question. Will you do your best to wait for me to 21 finish my question before you start your answer? 22 A. Yes. 23 Q. If you don't understand a question that I ask, 24 will you please let me know? 25 A. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 EXAMINATION 2 BY MS. HUNKER: 3 Q. Good afternoon. 4 A. Good afternoon. 5 Q. My name is Kathleen Hunker. I am with the 6 office of the Texas Attorney General representing the 7 State defendants in this matter. 8 Can you please state and then spell your 9 name for the record. 10 A. Rachelle Obakojuwa, 11 R-A-C-H-E-L-L-E O-B-A-K-O-Z-U-W-A. 12 Q. Thank you. I'm going to start with some 13 instructions and introductory questions. Then after 14 that's finished, I'll move on to the main subject of the 15 deposition. Okay? 16 A. Okay. 17 Q. Have you ever been deposed before? 18 A. Yes. 19 Q. How many times? 20 A. Once. 21 Q. And what was that case about? 22 A. The Department of Justice against Harris County 23 for ADA. 24 Q. And so that was an ADA claim? 25 A. Correct.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And if you do answer a question, I'm going to 2 assume that you understood the question; is that fair? 3 A. Yes. 4 Q. If you need a break at any time, that's fine. 5 Please just let me know. My only request is that you 6 answer any pending question before we take a break. 7 Okay? 8 A. Okay. 9 Q. Also, if you hear an objection from your 10 counsel, that is typically for the court to decide at a 11 later date. I therefore ask that you go ahead and answer 12 the question unless you are instructed not to answer. 13 Okay? 14 A. Okay. 15 Q. Now, I'm obliged to ask the following 16 questions: Have you consumed any alcohol today? 17 A. No. 18 Q. Have you consumed any drugs today? 19 A. No. 20 Q. Are you aware of anything that would affect 21 your ability to testify truthfully and accurately today? 22 A. No. 23 Q. You did not bring any documents with you today, 24 correct? 25 A. Correct.</p>

Rachelle Obakojuwa

March 21, 2023
Pages 54 to 57

<p style="text-align: right;">Page 54</p> <p>1 Q. Okay. And did you receive any feedback from</p> <p>2 the organizations about your community engagement</p> <p>3 events?</p> <p>4 A. Not that I'm aware of.</p> <p>5 Q. Okay. Did you receive any feedback from other</p> <p>6 community groups, not necessarily the ones regarding --</p> <p>7 that you held of -- the community engagement event with?</p> <p>8 A. We attempted to reach multiple community</p> <p>9 groups, and so we received feedback from some that they</p> <p>10 were not available or not interested.</p> <p>11 Q. And do you know if voters -- if your</p> <p>12 outreach -- let me -- let me rephrase the question.</p> <p>13 Are you aware if voters -- strike that.</p> <p>14 Based on any feedback you received from</p> <p>15 your public information campaign, did you find that it</p> <p>16 helped voters alleviate their confusion regarding their</p> <p>17 ID requirements?</p> <p>18 MS. HOLMES: Objection to form.</p> <p>19 A. Some.</p> <p>20 Q. (BY MS. HUNKER) Can you elaborate at all?</p> <p>21 A. We still received ballots that are incorrectly</p> <p>22 submitted without sufficient information -- the ballot</p> <p>23 by mail. So they're either not seeing the campaign or</p> <p>24 the campaign didn't address them specifically in a way</p> <p>25 that was successful.</p>	<p style="text-align: right;">Page 56</p> <p>1 questions at this time, and I'm passing the witness but</p> <p>2 reserve redirect.</p> <p>3 EXAMINATION</p> <p>4 BY MS. PAIKOWSKY:</p> <p>5 Q. Welcome. Thank you for testifying this</p> <p>6 afternoon. My name is Dana Paikowsky, and I'm with the</p> <p>7 United States. So I'm going to start out maybe circling</p> <p>8 back on some of these questions about voter education</p> <p>9 related to the identification provision of Senate</p> <p>10 Bill 1.</p> <p>11 Did your office produce an insert to</p> <p>12 include with the carrier envelope to explain the ID</p> <p>13 provision during the November 2022 general election?</p> <p>14 A. Not a separate one. We included the one the</p> <p>15 state provided. And that is my understanding. By the</p> <p>16 way, I'm not -- I don't think I was set to -- to testify</p> <p>17 on that topic.</p> <p>18 Q. Okay.</p> <p>19 A. Ballot by mail.</p> <p>20 Q. Would you know of who might be able to testify</p> <p>21 about the development of a ballot insert?</p> <p>22 A. The development of it would be our</p> <p>23 communications person, Nadia. I have seen a lot of the</p> <p>24 flyers. I'm just not aware of a particular one that was</p> <p>25 put in the ballot by mail.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. And is Harris County continuing to engage in</p> <p>2 the voter education efforts?</p> <p>3 A. Yes.</p> <p>4 Q. And when you say you're engaging in voter</p> <p>5 education efforts, do you mean specifically to include</p> <p>6 the ID requirement for vote by mail?</p> <p>7 A. Yes.</p> <p>8 Q. And are you working on reaching the groups that</p> <p>9 were not necessarily reached in the first round of voter</p> <p>10 education efforts?</p> <p>11 A. We are looking to reach every group in Harris</p> <p>12 County.</p> <p>13 Q. Would you consider your public awareness</p> <p>14 campaign a success?</p> <p>15 A. Yes.</p> <p>16 MS. HUNKER: I think we can go off the</p> <p>17 record.</p> <p>18 THE VIDEOGRAPHER: We are going off the</p> <p>19 record at 5:05 p.m.</p> <p>20 (Recess from 5:05 p.m. to 5:17 p.m.)</p> <p>21 THE VIDEOGRAPHER: We are back on the</p> <p>22 record at 5:17 p.m.</p> <p>23 MS. PAIKOWSKY: I think -- Kathleen, are</p> <p>24 you going to pass the witness?</p> <p>25 MS. HUNKER: Yes. I have no other</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. You described some voter education efforts that</p> <p>2 your office engaged in around Senate Bill 1's</p> <p>3 identification provision. Why did you undertake those</p> <p>4 efforts?</p> <p>5 A. There were voter questions and confusion about</p> <p>6 why their ballots weren't being counted -- or why their</p> <p>7 ballots were being rejected. I apologize. And -- and</p> <p>8 the -- there were changes that SB1 had that we knew</p> <p>9 would affect every voter who was voting by mail.</p> <p>10 Q. And do you anticipate needing to continue to</p> <p>11 do -- maintain these efforts in future elections?</p> <p>12 A. Yes.</p> <p>13 Q. Earlier you testified that SB1 necessitated an</p> <p>14 increase in temporary and full-time staff. Why is that?</p> <p>15 A. There are a lot of implications for SB1. With</p> <p>16 the rejection of mail ballots, there has to be more</p> <p>17 communication to voters. So it takes more bodies to</p> <p>18 create that communication to send items to the voters,</p> <p>19 and there's a higher rate of transaction. So it</p> <p>20 requires more workers.</p> <p>21 Additionally, SB1 affected some of our</p> <p>22 staffing for election workers. And so that was one of</p> <p>23 the reasons recruitment efforts had to increase. So we</p> <p>24 had to have more staff for that. And there are more</p> <p>25 procedural-type questions and calls that we get. So our</p>

EXHIBIT

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Dan Hayes

March 29, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
5:21-cv-0844-XR
TEXAS, ET AL.,) (
Defendants.) (

OCA-GREATER HOUSTON, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
1:21-cv-0780-XR
TEXAS SECRETARY OF STATE) (
JANE NELSON, ET AL.,) (
Defendants.) (

HOUSTON AREA URBAN LEAGUE, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
5:21-cv-0848-XR
GREGORY WAYNE ABBOTT, ET AL.,) (
Defendants.) (

LULAC TEXAS, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
1:21-cv-0786-XR
JANE NELSON, ET AL.,) (
Defendants.) (

MI FAMILIA VOTA, ET AL.,) (
Plaintiffs,) (
V.) (Case No.:
5:21-cv-0920-XR
GREG ABBOTT, ET AL.,) (
Defendants.) (

Dan Hayes

March 29, 2023

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<p>1 THE UNITED STATES OF AMERICA,)(</p> <p>2 Plaintiff,)(</p> <p>3)(Case No.</p> <p>4 V.)(5:21-cv-1085-XR</p> <p>5)(</p> <p>6 STATE OF TEXAS, ET AL.,)(</p> <p>7 Defendants.)(</p> <p>8 *****</p> <p>9 ORAL 30(b)(6) DEPOSITION OF</p> <p>10 TRAVIS COUNTY CLERK'S OFFICE</p> <p>11 TESTIMONY OF DAN HAYES</p> <p>12 March 29, 2023</p> <p>13 *****</p> <p>14 ORAL DEPOSITION OF DAN HAYES,</p> <p>15 produced as a witness at the instance of the</p> <p>16 Consolidated Plaintiffs, and duly sworn, was taken in</p> <p>17 the above-styled and numbered cause on the 29th day of</p> <p>18 March, 2023, from 9:04 a.m. to 10:34 a.m., before</p> <p>19 STEPHANIE DAVIS, CSR, in and for the State of Texas,</p> <p>20 reported by oral stenograph, at the Travis County</p> <p>21 Attorney's Office, 314 West 11th Street, Fifth Floor,</p> <p>22 Austin, Texas, pursuant to the Federal Rules of Civil</p> <p>23 Procedure and the provisions stated on the record or</p> <p>24 attached herein.</p> <p>25</p>	<p>1 FOR THE STATE OF TEXAS; GREG ABBOTT, IN HIS OFFICIAL</p> <p>2 CAPACITY AS GOVERNOR OF TEXAS; JANE NELSON, IN HER</p> <p>3 OFFICIAL CAPACITY OF THE TEXAS SECRETARY OF STATE,</p> <p>4 WARREN K. PAXTON, IN HIS OFFICIAL CAPACITY AS THE</p> <p>5 TEXAS ATTORNEY GENERAL:</p> <p>6 ALSO PRESENT:</p> <p>7 LOUIS J. CAPOZZI (Appeared Remotely)</p> <p>8 JONES DAY</p> <p>9 51 Louisiana Avenue, Northwest</p> <p>10 Washington, DC 20001</p> <p>11 lcapozzi@jonesday.com</p> <p>12</p> <p>13 FOR DAN HAYES, CHARLIE JOHNSON, AND BRIDGETTE</p> <p>14 ESCABEDO, IN THEIR OFFICIAL CAPACITIES AS TRAVIS</p> <p>15 COUNTY CLERKS AND DISTRICT ATTORNEY, RESPECTIVELY:</p> <p>16 ANTHONY J. NELSON</p> <p>17 PATRICK T. POPE</p> <p>18 TRAVIS COUNTY ASSISTANT COUNTY ATTORNEY</p> <p>19 314 West 11th Street, Fifth Floor</p> <p>20 Austin, Texas 78767</p> <p>21 tony.nelson@traviscountytx.gov</p> <p>22 patrick.pope@traviscountytx.gov</p> <p>23</p> <p>24 FOR HIDALGO COUNTY ELECTIONS ADMINISTRATOR DELIA</p> <p>25 GARZA:</p> <p>LEIGH ANN TOGNETTI (Appeared Remotely)</p> <p>ASSISTANT DISTRICT ATTORNEY</p> <p>100 East Cano, First Floor</p> <p>Hidalgo County Courthouse Annex III</p> <p>Edinburg, Texas 78539</p> <p>leigh.tognetti@da.co.hidalgo.tx.us</p> <p>ALSO PRESENT:</p> <p>GABE HODGE, paralegal for Mr. Nelson</p>	<p>1 APPEARANCES</p> <p>2 FOR TEXAS CIVIL RIGHTS PROJECT:</p> <p>3 ZACHARY DOLLING</p> <p>4 HANI MIRZA</p> <p>5 VERONIKAH WARMS</p> <p>6 1405 Montopolis Drive</p> <p>7 Austin, Texas 78741</p> <p>8 zachary@texascivilrightsproject.org</p> <p>9 hani@texascivilrightsproject.org</p> <p>10 veronikah@texascivilrightsproject.org</p> <p>11</p> <p>12 FOR THE U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS</p> <p>13 DIVISION:</p> <p>14 DANA PAIKOWSKY</p> <p>15 JOHN SULLIVAN BAKER (Appeared Remotely)</p> <p>16 Robert F. Kennedy Building</p> <p>17 950 Pennsylvania Avenue, Northwest</p> <p>18 Washington, DC 20530</p> <p>19 dana.paikowsky@usdoj.gov</p> <p>20 john.bakersullivan@usdoj.gov</p> <p>21</p> <p>22 FOR OCA-GREATER HOUSTON, ET AL.:</p> <p>23 KENNETH BROUGHTON (Appeared Remotely)</p> <p>24 REED SMITH, LLP</p> <p>25 811 Main Street, Suite 1700</p> <p>Houston, Texas 77002-6110</p> <p>kbroughton@reedsmith.com</p> <p>FOR ATTORNEY GENERAL KEN PAXTON:</p> <p>WILLIAM D. WASSDORF</p> <p>AARON BARNES</p> <p>ASSISTANT ATTORNEY GENERAL</p> <p>PO Box 12548</p> <p>Austin, Texas 78711-2548</p> <p>will.wassdorf@oag.texas.gov</p> <p>aaron.barnes@aog.texas.gov</p> <p>FOR HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE:</p> <p>ANNE CRISP (Appeared Remotely)</p> <p>BUTLER SNOW, LLP</p> <p>1400 Lavaca Street, Suite 1000</p> <p>Austin, Texas 78701</p> <p>anne.crisp@butlersnow.com</p>
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Dan Hayes

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Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE COURT REPORTER: Good morning, we</p> <p>3 are on the record. The time is 9:04 a.m., on March</p> <p>4 29th, 2023. Will counsel please state their</p> <p>5 appearance for the record.</p> <p>6 MR. NELSON: Yes. Assistant Travis</p> <p>7 County Attorney Tony Nelson for the Travis County</p> <p>8 defendants and the witness, Dan Hayes.</p> <p>9 MR. DOLLING: Zachary Dolling from</p> <p>10 Texas Civil Rights Project on behalf of the OCA</p> <p>11 plaintiffs.</p> <p>12 MR. POPE: Patrick Pope with the Travis</p> <p>13 County Attorney's office on behalf of Travis County.</p> <p>14 MR. WASSDORF: Will Wassdorf with the</p> <p>15 office of the Attorney General on behalf of State</p> <p>16 defendants.</p> <p>17 MR. BARNES: Aaron Barnes with the</p> <p>18 office of the Attorney General on behalf of State</p> <p>19 defendants.</p> <p>20 MS. WARMS: Veronikah Warms with Texas</p> <p>21 Civil Rights Project on behalf of OCA plaintiffs.</p> <p>22 MS. PAIKOWSKY: Dana Paikowsky on</p> <p>23 behalf of the United States.</p> <p>24 MR. MIRZA: Hani Mirza on behalf of the</p> <p>25 OCA plaintiffs with the Texas Civil Rights Project.</p>	<p style="text-align: right;">Page 8</p> <p>1 answers like yes and no rather than nodding or shaking</p> <p>2 your head?</p> <p>3 A. Absolutely.</p> <p>4 Q. It's also important that we don't speak over</p> <p>5 one another so that the court reporter can get a clean</p> <p>6 record of what's said. I'll do my best to wait for</p> <p>7 you to finish speaking. Can you do the same for me?</p> <p>8 A. Yes.</p> <p>9 Q. Thank you. If you don't understand a</p> <p>10 question, will please let me know?</p> <p>11 A. Yes.</p> <p>12 Q. And if you do answer without asking for</p> <p>13 clarification, I'm going to assume that you understood</p> <p>14 the question; is that fair?</p> <p>15 A. Yes.</p> <p>16 Q. Your attorney may object to a question,</p> <p>17 after which you still need to answer unless they</p> <p>18 specifically instruct you not to. Do you understand?</p> <p>19 A. Yes.</p> <p>20 Q. If at any time you want a break, just let me</p> <p>21 know, but I ask that you finish answering any question</p> <p>22 that's pending before we do that; is that okay?</p> <p>23 A. Yes.</p> <p>24 Q. Is there any reason you can think of that</p> <p>25 your ability to effectively communicate your answers</p>
<p style="text-align: right;">Page 7</p> <p>1 THE COURT REPORTER: Thank you.</p> <p>2 DAN HAYES,</p> <p>3 having been duly sworn, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. DOLLING:</p> <p>6 MR. DOLLING: Can we go off the record</p> <p>7 for just a second because I realized that we may not</p> <p>8 have set up a Zoom.</p> <p>9 THE COURT REPORTER: We're off the</p> <p>10 record.</p> <p>11 (Off the record.)</p> <p>12 THE COURT REPORTER: We are back on the</p> <p>13 record.</p> <p>14 Q. Good morning, Mr. Hayes. My name is Zach</p> <p>15 Dolling, and I'm here on behalf of the OCA plaintiffs.</p> <p>16 Could you please state your name and spell it for the</p> <p>17 record?</p> <p>18 A. My name is Dan Hayes, D-A-N H-A-Y-E-S.</p> <p>19 MR. DOLLING: Has the witness been</p> <p>20 sworn?</p> <p>21 THE COURT REPORTER: Yes.</p> <p>22 MR. DOLLING: Sorry.</p> <p>23 Q. For the benefit of the court reporter and</p> <p>24 the people attending via Zoom who might not be able to</p> <p>25 see you well or hear you well, will you provide verbal</p>	<p style="text-align: right;">Page 9</p> <p>1 would be impaired today?</p> <p>2 A. No.</p> <p>3 Q. Have you taken any prescription medication,</p> <p>4 alcohol, drugs, suffered any condition or injury or</p> <p>5 otherwise have reason to believe that you might be</p> <p>6 impaired from testifying truthfully and accurately</p> <p>7 today?</p> <p>8 A. No.</p> <p>9 Q. And finally, I'm just going to remind you</p> <p>10 that you're under oath and subject to federal penalty</p> <p>11 for false or misleading testimony; so it's important</p> <p>12 that you answer my question fully, completely, and</p> <p>13 truthfully. Do you understand?</p> <p>14 A. Yes.</p> <p>15 Q. Do you have any questions before we get</p> <p>16 started?</p> <p>17 A. No.</p> <p>18 Q. Okay. Great. So I'm going to hand you</p> <p>19 this. I'd like to mark it as Exhibit Number 1.</p> <p>20 (Off the record conversation.)</p> <p>21 Q. So just to give you a chance to flip through</p> <p>22 that. Have you seen this document before?</p> <p>23 A. I believe so, yes.</p> <p>24 Q. And if you just read the top -- the name --</p> <p>25 the title on the second page. It says, "Second</p>

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<p style="text-align: right;">Page 30</p> <p>1 EXAMINATION</p> <p>2 BY MS. PAIKOWSKY:</p> <p>3 Q. I'm Dana Paikowsky for the United States</p> <p>4 this morning. Thank you for taking the time to</p> <p>5 testify. I similarly just want to take a couple</p> <p>6 minutes to get a sense of whether or not you have</p> <p>7 knowledge about some things or whether someone else</p> <p>8 would be the right person. So are you involved in</p> <p>9 voter education efforts related to mail voting at all?</p> <p>10 A. I am.</p> <p>11 Q. Can you describe to me what kinds of voter</p> <p>12 education efforts your office made during the November</p> <p>13 2022 general election?</p> <p>14 A. As mentioned before, we did social media</p> <p>15 posts, we provided notices -- I don't want to say</p> <p>16 "notices," that's a legal term -- but those</p> <p>17 high-viz -- neon paint, neon yellow, orange,</p> <p>18 whatever -- pieces of paper highlighting the</p> <p>19 requirements for ballot-by-mail. Also, we do post on</p> <p>20 where voting locations are, times, things like that.</p> <p>21 Q. So I'm specifically interested in voter</p> <p>22 education around the ID provision in mail voting.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Were there any efforts that you made to</p> <p>25 educate voters around that provision specifically?</p>	<p style="text-align: right;">Page 32</p> <p>1 numbers is associated with their voter record; so to</p> <p>2 cover all bases, so to speak, we advised our voters</p> <p>3 who submitted an ABBM or ballot-by-mail carrier to put</p> <p>4 both numbers.</p> <p>5 Q. Do the forms that you use for an ABBM or</p> <p>6 carrier envelope also ask voters to provide both</p> <p>7 numbers or just one?</p> <p>8 A. Which forms are you referring to?</p> <p>9 Q. The ABBMs and the carrier envelopes.</p> <p>10 A. Okay. No, they do not -- they do not say</p> <p>11 both, as far as I remember.</p> <p>12 Q. As part of your voter education efforts, did</p> <p>13 your office include an insert with their absentee</p> <p>14 ballot-by-mail applications explaining the ID</p> <p>15 requirement and asking for voters to provide both</p> <p>16 numbers?</p> <p>17 A. If I remember correctly, yes.</p> <p>18 Q. And has your office produced that insert to</p> <p>19 us?</p> <p>20 A. I do not...</p> <p>21 MR. NELSON: Again, I believe so. But</p> <p>22 if we haven't, we can supplement that.</p> <p>23 MS. PAIKOWSKY: Yeah, I wasn't able to</p> <p>24 find ballot inserts, but we'll connect with you and</p> <p>25 check that out on the back end.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Yes.</p> <p>2 Q. And are those efforts the same as you</p> <p>3 previously described?</p> <p>4 A. Yes.</p> <p>5 Q. In those outreach and education efforts</p> <p>6 during the November 2022 general election, did your</p> <p>7 office advise voters to provide both an ID number and</p> <p>8 an SSN four on their ABBMs or carrier envelopes?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you advise voters to provide both</p> <p>11 the -- excuse me. Withdrawn.</p> <p>12 Why did you advise voters to provide both</p> <p>13 when the language in the statute and also of the ABBM</p> <p>14 carrier envelopes directs voters to put one or the</p> <p>15 other?</p> <p>16 A. Would you repeat that? I had a hard time</p> <p>17 hearing.</p> <p>18 Q. Yeah.</p> <p>19 A. Okay.</p> <p>20 Q. Why did you advise voters to put both</p> <p>21 numbers down?</p> <p>22 A. Okay. Under the guidance of the SOS and the</p> <p>23 recommendation of the SOS so that voters -- it was</p> <p>24 deemed that it was completely acceptable to have both</p> <p>25 numbers, because a voter may not know which of those</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. So were you involved in the design or</p> <p>2 production of that ballot insert?</p> <p>3 A. It was a collaborative effort. We all look</p> <p>4 at it and provide input, yes.</p> <p>5 Q. Can you describe to me why you provided or</p> <p>6 created that form?</p> <p>7 A. We saw, initially, in the first time --</p> <p>8 first implementation of the SB-1 provisions regarding</p> <p>9 this that we realized that voters did not always know</p> <p>10 which of the numbers was associated with their voter</p> <p>11 record. We -- with discussions in our office, we</p> <p>12 decided that we wanted to do both to help the voters</p> <p>13 cover all the bases, as mentioned before so that the</p> <p>14 voter's application and their ballot-by-mail would</p> <p>15 hopefully reduce the chance of it being rejected.</p> <p>16 Q. Did you find including these inserts with</p> <p>17 the ABBM was helpful in driving down rejection rates?</p> <p>18 A. That's a comparison I can't make. A cause</p> <p>19 and effect on -- rejection rates did go down. I can't</p> <p>20 say what the cause was.</p> <p>21 Q. Did your office include a ballot insert with</p> <p>22 the carrier envelope to explain the ID requirement</p> <p>23 during the November 2022 general election?</p> <p>24 A. We provided an insert in the outgoing -- we</p> <p>25 call it a ballot package, which includes the carrier</p>

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<p style="text-align: right;">Page 34</p> <p>1 envelope and a bunch of other stuff. Yes, we did.</p> <p>2 Q. Is it the same insert that you included with</p> <p>3 the ABBM?</p> <p>4 A. It is a different color, but it provides the</p> <p>5 same educational information.</p> <p>6 Q. Why did your office create this insert?</p> <p>7 A. For the same reason for the application to</p> <p>8 help inform the voter that it's perfectly okay to</p> <p>9 provide both numbers so that they could reduce the</p> <p>10 chance of it being rejected and make sure that they</p> <p>11 provided the proper number associated with their voter</p> <p>12 record.</p> <p>13 Q. Have you modified this insert over time?</p> <p>14 A. Other than color, I do not believe -- I</p> <p>15 believe we might have highlighted, like, a little</p> <p>16 circle around it to highlight -- just make it pop a</p> <p>17 little more, so to speak, so it's a bit more visible.</p> <p>18 Q. And I'm just going to again say that we're</p> <p>19 going to check to see if they've been produced, but I</p> <p>20 think the multiple versions would be helpful to see</p> <p>21 over time.</p> <p>22 MR. NELSON: Okay.</p> <p>23 Q. Can you explain why you made changes to the</p> <p>24 form since -- excuse me -- to the ballot insert since</p> <p>25 your office first began using it?</p>	<p style="text-align: right;">Page 36</p> <p>1 that we could provide inserts, and they verified that</p> <p>2 we could notify voters that they could put both</p> <p>3 numbers, and it would be perfectly okay; so that's the</p> <p>4 feedback.</p> <p>5 Q. And this also is -- if you don't know this</p> <p>6 or if another designee would be better to testify</p> <p>7 about it: To your knowledge, did the Secretary of</p> <p>8 State's office recommend you develop these ballot</p> <p>9 inserts as a best practice for implementation for</p> <p>10 Senate Bill 1?</p> <p>11 A. I don't remember that specifically.</p> <p>12 Q. Based on your experience in the 2022 general</p> <p>13 election, do you foresee a need to continue to engage</p> <p>14 in these affirmative voter education efforts related</p> <p>15 to the ID provision -- the mail ballot ID provision in</p> <p>16 future elections?</p> <p>17 A. Yes.</p> <p>18 Q. Why is that?</p> <p>19 A. Travis County, it's very important to our</p> <p>20 office to educate our voters so that their ballots may</p> <p>21 be accepted -- counted -- as appropriate. We have --</p> <p>22 we believe in voter education and helping people vote.</p> <p>23 Q. Does your county have any plans to -- I'm</p> <p>24 sorry, withdrawn.</p> <p>25 Would your ability to continue these efforts</p>
<p style="text-align: right;">Page 35</p> <p>1 A. If we did, they were minor. Probably,</p> <p>2 verbiage, fonts, something like that. I cannot</p> <p>3 remember on the initial one if we had a circle around</p> <p>4 it, but mostly, just so it's visible. So it's clear,</p> <p>5 you know, you learn; and so we make those changes.</p> <p>6 Q. And the visibility is important because it</p> <p>7 helps emphasize certain information; is that correct?</p> <p>8 A. That is correct.</p> <p>9 Q. And what information are you hoping to</p> <p>10 emphasize?</p> <p>11 A. The need for both the driver's license and</p> <p>12 the social security number if they have them.</p> <p>13 Q. And why did you want to emphasize that to</p> <p>14 voters?</p> <p>15 A. So that they could put them on there and</p> <p>16 reduce the rejection rate.</p> <p>17 Q. During the time that you were producing</p> <p>18 these inserts for the ABBMs and ballot carrier</p> <p>19 envelopes, did you confer with the Secretary of</p> <p>20 State's office about those efforts?</p> <p>21 A. I believe we did.</p> <p>22 Q. And what feedback did the Secretary of</p> <p>23 State's office give you on those ballot inserts?</p> <p>24 A. If I remember correctly, the SOS</p> <p>25 preemptively gave information that we could do this --</p>	<p style="text-align: right;">Page 37</p> <p>1 depend on your budget in future years?</p> <p>2 A. It does cost money, and money is always a</p> <p>3 consideration. So I -- dependent? Let's just say</p> <p>4 it's a consideration.</p> <p>5 Q. In the November 2022 general election, did</p> <p>6 your office hire employees or contractors in order to</p> <p>7 facilitate, support, or assist with mail voting or the</p> <p>8 implementation of the SB-1's identification</p> <p>9 requirements? And I'm also including voter education</p> <p>10 efforts in this question.</p> <p>11 A. Would you state again the types -- the first</p> <p>12 part of your question for me?</p> <p>13 Q. Yeah. And I also am cognizant that there's</p> <p>14 another designee who's testifying.</p> <p>15 A. Sure.</p> <p>16 Q. The question is: During the November 2022</p> <p>17 election, did your office hire employees or</p> <p>18 contractors to facilitate the mail voting process and</p> <p>19 specifically implement SB-1'S identification</p> <p>20 requirements? And as part of that, I'm asking also</p> <p>21 about affirmative voter education efforts?</p> <p>22 A. Yes --</p> <p>23 MR. NELSON: Before you -- well, I was</p> <p>24 going to say before you answer: If, again, as was</p> <p>25 pointed out, if it's a question that's regarding an</p>

EXHIBIT

100

Transcript of the Testimony of
Lisa Wise

Date:

April 13, 2022

Case:

LA UNION DEL PUEBLO ENTERO et al. vs GREGORY W. ABBOTT

Lisa Wise

April 13, 2022

1 UNITED STATES DISTRICT COURT
 2 WESTERN DISTRICT OF TEXAS
 3 SAN ANTONIO DIVISION

3 LA UNION DEL PUEBLO ENTERO)
 et al.,)
 4 Plaintiffs,)
 5 v.) Civil Action No. SA-21-CV-
) 00844-XR
 6 GREGORY W. ABBOTT, et al.,)
 Defendants.)
 7
 8
 9

10 -----
 11 ORAL AND VIDEOTAPED DEPOSITION OF
 LISA WISE
 12 APRIL 13, 2022
 Volume 1
 13 -----
 14

15 ORAL AND VIDEOTAPED DEPOSITION OF LISA
 16 WISE produced as a witness at the instance of Plaintiff,
 17 and duly sworn, was taken in the above-styled and
 18 numbered cause on the 13th day of April, 2022 from 10:02
 19 a.m. mountain time to 5:27 p.m. mountain time, before
 20 Nancy Newhouse, a Certified Shorthand Reporter in and for
 21 the State of Texas, reported by oral shorthand, located
 22 at the 500 East San Antonio, Room 503, El Paso, Texas
 23 79901, pursuant to the Federal Rules of Civil Procedure,
 24 and the provisions stated on the record or attached
 25 hereto.

Lisa Wise

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Lisa Wise

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<p>1 A P P E A R A N C E S Continued</p> <p>2</p> <p>3 Ms. Liegh Tognetti</p> <p>4 ASSISTANT DISTRICT ATTORNEY, HIDALGO COUNTY COMMUNITY</p> <p>5 SERVICE AGENCY</p> <p>6 2524 North Closner Boulevard</p> <p>7 Edinburg, Texas 78541</p> <p>8 Telephone: (956) 383-6240</p> <p>9</p> <p>10 Ms. Josephine Ramirez Solis</p> <p>11 ASSISTANT CRIMINAL DISTRICT ATTORNEY</p> <p>12 100 East Cano</p> <p>13 Edinburg, Texas 78539</p> <p>14 Telephone: (956) 292-7609 ext. 8186</p> <p>15 Fax: (956) 292-7619</p> <p>16 email: josephine.ramirez@da.co.hidalgo.tx.us</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 Ms. Yvonne Natividad, Videographer</p> <p>20 Ms. Marina Eisner</p> <p>21 Ms. Savannah Kumar</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 DEFENDANT EXHIBITS Continued</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 10 Election Summary Report 2018 March Primary</p> <p>4 Summary for Jurisdiction Wide, All Counters,</p> <p>5 All Races Official Final Election Results</p> <p>6 Ballots Cast 67,942 Percent 15.45 (11-pgs) 239</p> <p>7</p> <p>8 11 Summary Results Report 2022 March Primary</p> <p>9 Official Final Election Day Results (32-pgs) 241</p> <p>10 12 Election Reconciliation - Official Totals 244</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 INDEX</p> <p>2</p> <p>3 Appearances. 2</p> <p>4 LISA WISE</p> <p>5 Direct Examination by Mr. Jeffery White. 11</p> <p>6</p> <p>7 Changes and Signature. 252</p> <p>8 Reporter's Certificate 254</p> <p>9</p> <p>10 DEFENDANT EXHIBITS</p> <p>11 NO. DESCRIPTION PAGE</p> <p>12 1 Letter from Governor Greg Abbott's office to</p> <p>13 Ruth Hughs dated July 27, 2020 (4-pgs) 42</p> <p>14</p> <p>15 2 Letter from Governor Greg Abbott's office to</p> <p>16 Ruth Hughs dated October 1, 2020 (5-pgs) 46</p> <p>17 3 S.B. 1 (76-pgs) 110</p> <p>18 4 Texas Secretary of State Elections Division</p> <p>19 Slides dated 2/17/22(9-pgs) 124</p> <p>20</p> <p>21 5 Voter Information Field Guide (1-pg) 144</p> <p>22</p> <p>23 6 Summary Results Report 2022 March Primary -</p> <p>24 Official Final Early Voting Results (32-page) 220</p> <p>25 7 Election Summary Report 2018 March Primary</p> <p>Summary for Jurisdiction Wide, All Races</p> <p>Official Final Early Voting Results (11-pgs) 224</p> <p>8 Summary Results Report 2022 March Primary</p> <p>Official Final Election Day Results (32-pgs) 23</p> <p>9 Election Summary Report 2018 March Primary</p> <p>Summary for Jurisdiction Wide, All races</p> <p>Official Final Election Day Results (11-pgs) 235</p> <p>25</p>	<p>1 PROCEEDINGS</p> <p>2 (On the record at 10:02 a.m.)</p> <p>3 VIDEOGRAPHER: We are now on record.</p> <p>4 This begins Videotape No. 1 in the deposition of Lisa</p> <p>5 Wise in the matter of, La Unión Pueblo Del Entero (sic)</p> <p>6 et al. v Gregory Abbott, et al., in the United States</p> <p>7 District Court Western District of Texas, San Antonio</p> <p>8 Division. Today is April 13, 2022, the time is 10:02</p> <p>9 a.m. Mountain Standard Time.</p> <p>10 This deposition is being taken at the</p> <p>11 county courthouse here in El Paso, Texas at the request</p> <p>12 of the Office of the Attorney General of Texas. The</p> <p>13 videographer is Yvonne Natividad of Magna Legal</p> <p>14 Services, and the court reporter -- reporter is Nancy</p> <p>15 Newhouse of Magna Legal Services.</p> <p>16 Will all counsel and all parties present</p> <p>17 state their appearances and whom they represent?</p> <p>18 MR. JEFF WHITE: Jeff White, I'm with the</p> <p>19 Office of Attorney General for the State Defendants.</p> <p>20 MS. SPECTOR: Kelsey Spector on behalf of</p> <p>21 El Paso County.</p> <p>22 MS. HARTNETT: Kathleen Hartnett with</p> <p>23 Cooley LLP on behalf of El Paso County and the witness.</p> <p>24 MR. GRAHAM WHITE: Graham White with the</p> <p>25 LULAC Plaintiffs.</p>

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<p style="text-align: right;">Page 10</p> <p>1 MS. PERALES: Nina Perales with MALDEF on</p> <p>2 behalf of the LUPE Plaintiffs.</p> <p>3 MS. SANCHEZ: Christina Sanchez,</p> <p>4 Assistant County Attorney, El Paso County.</p> <p>5 VIDEOGRAPHER: Will there be anyone on --</p> <p>6 anyone on Zoom who need to introduce themselves? No?</p> <p>7 Or no one that needs on on there?</p> <p>8 MS. HARTNETT: This is Kathleen Hartnett</p> <p>9 for the witness. I think we agreed off the record that</p> <p>10 the court reporter was going to get everyone's</p> <p>11 information via email, so everyone should email the</p> <p>12 court reporter --</p> <p>13 VIDEOGRAPHER: Okay.</p> <p>14 MR. JEFF WHITE: And Jeff White --</p> <p>15 MS. HARTNETT: -- in the chat.</p> <p>16 MR. JEFF WHITE: -- I agree, yes.</p> <p>17 VIDEOGRAPHER: Okay. And will the court</p> <p>18 reporter please swear in the witness?</p> <p>19 COURT REPORTER: Ms. Wise, will you</p> <p>20 please raise your right hand?</p> <p>21 (The witness complies.)</p> <p>22 COURT REPORTER: Do you solemnly swear or</p> <p>23 affirm that the testimony you give today will be the</p> <p>24 truth, the whole truth and nothing but the truth so help</p> <p>25 you God?</p>	<p style="text-align: right;">Page 12</p> <p>1 well; it will help with the record?</p> <p>2 A. Yes.</p> <p>3 Q. And if your counsel may object to some of the</p> <p>4 questions that I answer -- or sorry, your counsel may</p> <p>5 object to some of the questions that I ask, could you</p> <p>6 please -- do you understand that you are to answer</p> <p>7 unless you are invoking a privilege?</p> <p>8 A. Yes.</p> <p>9 Q. And will you please let me know if I ask a</p> <p>10 question and you don't understand, or if you don't hear</p> <p>11 me?</p> <p>12 A. Yes.</p> <p>13 Q. And is there anything today that would affect</p> <p>14 your ability to answer truthfully the questions that I'm</p> <p>15 going to ask?</p> <p>16 A. No.</p> <p>17 Q. What did you do to prepare for this deposition</p> <p>18 today?</p> <p>19 A. I reviewed the SB 1 legislation, I looked over</p> <p>20 some of the documents that I produced and I read through</p> <p>21 some of the Texas Election Code that was affected by</p> <p>22 SB 1.</p> <p>23 Q. And you -- you said you're a elections</p> <p>24 administrator in El Paso County, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 THE WITNESS: I do.</p> <p>2 COURT REPORTER: Thank you.</p> <p>3 LISA WISE,</p> <p>4 having been first duly sworn, testified as follows:</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MR. JEFF WHITE:</p> <p>7 Q. Ms. Wise, can you please state and spell your</p> <p>8 name for the record, please?</p> <p>9 A. It's Lisa Wise, L-i-s-a, W-i-s-e.</p> <p>10 Q. And what is your job title?</p> <p>11 A. I'm the El Paso County elections</p> <p>12 administrator.</p> <p>13 Q. And have you been deposed before?</p> <p>14 A. I have.</p> <p>15 Q. Okay. So you understand you are under oath,</p> <p>16 and you are to tell the truth when you answer your</p> <p>17 questions?</p> <p>18 A. I do.</p> <p>19 Q. And when you're answering the questions, could</p> <p>20 you please answer audibly and -- and not by nodding your</p> <p>21 head or saying things like "uh-huh", so the -- the</p> <p>22 record, we can get that down on the record?</p> <p>23 A. Yes.</p> <p>24 Q. And before you answer, I would ask that you</p> <p>25 please let me finish my question, could you do that as</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And how long have you been in that role?</p> <p>2 A. Seven years today.</p> <p>3 Q. Today?</p> <p>4 A. Today.</p> <p>5 Q. Okay. Lucky day.</p> <p>6 And did you work in El Paso County before</p> <p>7 you became elections administrator?</p> <p>8 A. I did not.</p> <p>9 Q. What brought you to El Paso County?</p> <p>10 A. My then husband in 2014 got a job offer here,</p> <p>11 and so we moved in 2014 here, to El Paso County.</p> <p>12 Q. And how did you get the role of elections</p> <p>13 administrator?</p> <p>14 A. I applied for the position, it was listed on a</p> <p>15 county website. I went through the interview process,</p> <p>16 and then I was -- I was hired the -- in April of 2015.</p> <p>17 Q. And who made that hiring decision?</p> <p>18 A. The Election Commission, it's made up of five</p> <p>19 members.</p> <p>20 Q. Is that a statewide commission?</p> <p>21 A. No, it's a county.</p> <p>22 Q. And who is on that commission?</p> <p>23 A. The county judge, the tax assessor, the county</p> <p>24 clerk, the chair of the county Republican Party and the</p> <p>25 chair of the county Democratic Party.</p>

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Pages 114 to 117

<p style="text-align: right;">Page 114</p> <p>1 did need assistance on there. Sometimes they do, 2 sometimes they don't, so we keep the oaths, obviously. 3 Q. What is poll pad? 4 A. The poll pad is the -- is what we use to sign 5 in a voter. It looks like a tablet, it's -- you -- you 6 sign it, you verify your address, you may select the 7 ballot style, depending on if you're in a primary, and 8 that keep -- it holds your signature and it keeps track 9 for everyone who's voted. 10 Q. Do you have elections officials working at 11 polling places that can -- can assist voters themselves? 12 A. Yes. 13 Q. And do they receive training for that purpose? 14 A. Yes. It's -- it's rare that they are asked to 15 assist, honestly, but yes, we do go over that when we go 16 over what -- what you can do and what elections that 17 whether they require one or whether you need two people 18 there, and -- and the forms and things like that. 19 Q. Do you have bilingual election officials 20 available to help voters? 21 A. Yes. All of our locations have bilingual 22 speakers, Spanish speakers. 23 Q. So before SB 1, are you aware of incidents 24 when a voter needed assistance and couldn't get it? 25 MS. SPECTOR: Objection, calls for</p>	<p style="text-align: right;">Page 116</p> <p>1 this Page 53 and, I believe, carrying over to Page 54? 2 A. Yes. 3 Q. So are you familiar with that change? 4 A. Yes. 5 Q. And as an election administrator, you -- do 6 you review the carrier envelopes when they come in? 7 A. Do I review the carrier envelopes, like after 8 we order them, or after they have been mailed back? 9 Q. After they've been mailed back by a voter. 10 A. I don't review all of them, no. 11 Q. Would you be aware of any issues with voters 12 filling out this portion mandated by Section 6.05 of SB 13 1? 14 A. I think if there were issues that were 15 substantial or noteworthy with that, that my ballot by 16 mail staff member would have brought that to my 17 attention, or the signature verification would have 18 brought -- brought something like that to my attention. 19 Q. And are you aware of any issues with this new 20 provision in Section 6.05 of SB 1 in the March 2022 21 primary? 22 A. No. 23 Q. So now I want to go to the -- the numerical 24 identification information required by SB 1, what do you 25 understand the new requirements to be for numerical</p>
<p style="text-align: right;">Page 115</p> <p>1 speculation. 2 A. No, I'm not. 3 Q. (BY MR. WHITE) And in the March 2022 primary, 4 are you aware of any incidents when a voter needed 5 assistance but wasn't able to get what they needed? 6 MS. SPECTOR: Objection, calls for 7 speculation. 8 A. No, I'm not. 9 Q. (BY MR. WHITE) Are you aware of changes made 10 in SB 1 to the oath of assistance for mail-in ballots? 11 A. Yes. 12 Q. So on the Exhibit 3 -- 13 A. Uh-huh. 14 Q. -- I -- I directed you to, can you go to Page 15 53? 16 (The witness complies.) 17 Q. (BY MR. WHITE) And I'll point you to Line 15 18 on that Page, and do you see where it says Section 6.05? 19 A. Yes. 20 Q. And can you read Line 17 to 19 of that section 21 on that Page 53, please? 22 A. "A person who assists a voter to prepare a 23 ballot to be voted by mail shall enter on the official 24 carrier envelope of the voter". 25 Q. And do you see the subprovision starting on</p>	<p style="text-align: right;">Page 117</p> <p>1 identification for voting by mail? 2 MS. SPECTOR: Objection, calls for legal 3 conclusion. 4 A. That there is now a space on the application 5 that asks for either the last four digits of your social 6 security number or driver's license, and that one of 7 those needs to be filled out in order for us to accept 8 the application, and that once we receive that 9 application, we have to match that with one of the 10 identifiers we have on file in our system. 11 Q. (BY MR. WHITE) And -- strike that. 12 How do you do the matching process on 13 applications for ballots by mail? 14 MS. SPECTOR: Objection, vague. 15 A. We go into our voter registration system, and 16 there is a screen for an application for ballot by mail, 17 and we verify on both things if that registration has on 18 their record, if that voter has either the driver's 19 license that matches that, or the last four digits of 20 their social security that matches what they put on the 21 form. If so, then we process it, assuming it's signed 22 and that everything else is filled out. 23 Q. (BY MR. WHITE) And in the March primary, did 24 you have voters who put both numbers on their form? 25 MS. SPECTOR: Objection, vague.</p>

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<p style="text-align: right;">Page 118</p> <p>1 A. Eventually we did, after we start -- had to</p> <p>2 tell people put both so that we know, it -- it has a</p> <p>3 better chance of matching.</p> <p>4 Q. (BY MR. WHITE) And what were they doing</p> <p>5 before you told them to do that?</p> <p>6 A. There was a mix. Some of them were putting</p> <p>7 nothing, some of them were putting their VUID, some of</p> <p>8 them were putting maybe the driver's license and we had</p> <p>9 the soc, or the soc and we had the driver's license, so</p> <p>10 that was ...</p> <p>11 Q. And you changed the process along the way, to</p> <p>12 get them to put both numbers down, is that correct?</p> <p>13 MS. SPECTOR: Objection, vague.</p> <p>14 A. We tried to do a kind of a -- a little</p> <p>15 outreach. When in doubt, fill both out is what we</p> <p>16 started to -- we did a little media, we would go -- we</p> <p>17 went to Commissioners Court, and the -- we did a kind of</p> <p>18 a push of fill both out, that same thing, and eventually</p> <p>19 we just put a notice back with them, stating that --</p> <p>20 that possibly, with their rejection, that we recommend</p> <p>21 filling both out.</p> <p>22 Q. (BY MR. WHITE) So you said that some voters</p> <p>23 would submit their application for ballot by mail with</p> <p>24 no numbers, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 thought it was optional, or something like that.</p> <p>2 Q. In the March 2022 primary, did you hear from</p> <p>3 any voter saying that they couldn't put the number down,</p> <p>4 because they didn't have their ID card or their driver's</p> <p>5 license anymore?</p> <p>6 A. I don't remember getting a call that -- that</p> <p>7 has that as the reason.</p> <p>8 Q. Do you track whether they put down one number</p> <p>9 or two on the application?</p> <p>10 MS. SPECTOR: Object to form.</p> <p>11 A. I don't believe we track whether they put one</p> <p>12 or two on the application, no.</p> <p>13 Q. (BY MR. WHITE) Do you track the reasons that</p> <p>14 the application for ballot by mail was rejected for</p> <p>15 failing to meet the numerical ID requirement of SB 1?</p> <p>16 MS. SPECTOR: Objection, vague.</p> <p>17 A. Yes.</p> <p>18 Q. (BY MR. WHITE) And how do you do that?</p> <p>19 A. Our ballot by mail application process, the</p> <p>20 system does not have that report available yet on the</p> <p>21 rejected applications, it's only once you put the ballot</p> <p>22 in, so we created, back when we switched -- when we</p> <p>23 switched our -- our person in charge of that, and</p> <p>24 switched some processes. We basically create a</p> <p>25 spreadsheet for the rejected applications on and list</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Do you know why?</p> <p>2 MS. SPECTOR: Objection, calls for</p> <p>3 speculation.</p> <p>4 A. I -- I can guess. There's -- I think there's</p> <p>5 two main reasons why: one is that they hadn't had to in</p> <p>6 the past, this was a new process; and two is that form</p> <p>7 has, I believe, so much information on it that it's --</p> <p>8 it's easy to -- to miss -- to miss things on that -- on</p> <p>9 that form.</p> <p>10 Q. (BY MR. WHITE) So is it they were just doing</p> <p>11 what they had done in the past, which is not putting</p> <p>12 down those numbers, is that correct?</p> <p>13 MS. SPECTOR: Object to form.</p> <p>14 A. Part of that is, yes.</p> <p>15 Q. (BY MR. WHITE) Do you -- did you receive any</p> <p>16 calls explaining why people were unable to put the</p> <p>17 numbers down?</p> <p>18 A. We had calls from voters who said that that</p> <p>19 box was not on their application, even though we have</p> <p>20 the application on file that that box was there. We had</p> <p>21 calls from people complaining, why do I have to give you</p> <p>22 this information when I already gave it to you on my</p> <p>23 registration. We had other calls that it's private, I</p> <p>24 don't, you know, want to put that on there, and we've</p> <p>25 had people who just said yes, I -- I missed it, I</p>	<p style="text-align: right;">Page 121</p> <p>1 the reason why.</p> <p>2 Q. And did you review that to prepare for today's</p> <p>3 deposition?</p> <p>4 A. I've reviewed it previously, not necessarily</p> <p>5 just for this deposition. When we were just working</p> <p>6 through it during the election, I -- I reviewed it.</p> <p>7 Q. So do you understand, based on that form, what</p> <p>8 the -- the reasons were that these applications for</p> <p>9 ballot by mail were getting rejected?</p> <p>10 A. Yes.</p> <p>11 Q. And what was the major reason?</p> <p>12 MS. SPECTOR: Objection, vague.</p> <p>13 A. Missing or incorrect identifier.</p> <p>14 Q. (BY MR. WHITE) And does the form tell you why</p> <p>15 it's missing or incorrect?</p> <p>16 MS. SPECTOR: Objection, vague.</p> <p>17 A. No.</p> <p>18 Q. (BY MR. WHITE) And stepping back to when you</p> <p>19 checked the number, do you check your offline system to</p> <p>20 match the number on the application for ballot by mail?</p> <p>21 MS. SPECTOR: Objection, vague.</p> <p>22 A. No, we don't check -- the only thing that we</p> <p>23 have that -- for applications, on rejections, if they're</p> <p>24 accepted, they go into the system and then they go into</p> <p>25 the process of having a bail -- a ballot sent out to</p>

EXHIBIT

101

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO)	
ENTERO, et al.,)	
Plaintiff,)	
)	
V.)	CASE NO. 5:21-CV-844-XR
)	[LEAD CASE]
GREGORY W. ABBOTT, et)	
al.,)	
Defendant.)	
OCA-GREATER HOUSTON, et)	
al.,)	
Plaintiff,)	
)	
V.)	CASE NO. 1:21-CV-780-XR
)	
JOHN SCOTT, et al.,)	
Defendant.)	
)	
HOUSTON JUSTICE, et al.,)	
Plaintiff,)	
)	
V.)	
)	CASE NO. 1:21-CV-848-XR
GREGORY WAYNE ABBOTT, et)	
al.,)	
Defendant.)	
LULAC TEXAS, et al.,)	
Plaintiff,)	
)	
V.)	CASE NO.
)	5:21-CV-0786-XR
JOHN SCOTT, et al.,)	
Defendant.)	
MI FAMILIA VOTA, et al.,)	
Plaintiff,)	
)	
V.)	CASE NO.
)	1:21-CV-0920-XR
GREG ABBOTT, et al.,)	
Defendant.)	

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1 UNITED STATES OF AMERICA,)
 2 Plaintiff,)
 3 V.) CASE NO.
 4) 5:21-CV-1085-XR
 5 THE STATE OF TEXAS, et)
 6 al.,)
 7 Defendant.)

8 HYBRID ORAL AND VIDEOTAPED DEPOSITION OF
 9 DANA DEBEAUVOIR
 10 MAY 2, 2022

11 HYBRID ORAL AND VIDEOTAPED DEPOSITION OF DANA
 12 DEBEAUVOIR, produced as a witness at the instance of the
 13 Defendants, and duly sworn, was taken in the
 14 above-styled and numbered cause on May 2, 2022, from
 15 8:38 a.m. to 11:52 a.m., before Ashley Cason, Apprentice
 16 Reporter and Notary Public, in and for the State of
 17 Texas, reported by machine shorthand, at the offices of
 18 TRAVIS COUNTY ATTORNEY'S OFFICE, 314 West 11th Street,
 19 5th Floor, Austin, Texas 78767, pursuant to the Federal
 20 Rules of Civil Procedure and the provisions stated on
 21 the record.
 22
 23
 24
 25

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 24 MEERA AIYER
 25 LEIGH TOGNETTI
 KATIE FRIEL
 BARBARA NICHOLAS
 Videotaped by:
 DAVID FLORES
 Reported by:
 ASHLEY CASON

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2 (Pages 2 to 5)

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(All parties present have hereby waived the necessity of the reading of the statements by the court reporter as required by Rule 30(b)(5).)

PROCEEDINGS

THE VIDEOGRAPHER: We are now on the record. This begins the deposition of Ms. Dana DeBeauvoir in the matter of the La Union Pueblo Del Entero, et al., versus Greg Abbott, et al., in the Western District of Texas San Antonio Division. Today is May 2nd, 2022, and the time is 8:38 a.m.

This deposition is being taken at Travis County Attorney's Office, 314 West 11th Street Austin, Texas, at the request of the Office of the Attorney General. The videographer is David Flores of Magna Legal Services. And the court reporter is Ashley Cason of Magna Legal Services. Will Counsel and all parties present state their appearances and who they represent?

MR. SWEETEN: Patrick Sweeten on behalf -- if you want to start, Tony, go ahead.

MR. NELSON: Doesn't matter.

MR. SWEETEN: Yeah. Okay.

MR. NELSON: Yes. Tony Nelson and Patrick Pope, assistant county attorneys on behalf of former Travis County clerk, Dana DeBeauvoir. And we also have present our paralegal, Gabe Hodge.

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MR. SWEETEN: Patrick Sweeten on behalf of the State defendants in this case. Along with me today is attorney Jack Disorbo.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness?

DANA DEBEAUVOIR,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. SWEETEN:

Q. Good morning, Ms. DeBeauvoir. Would you state and your spell your name, please?

A. Yes. Dana DeBeauvoir and it's D-A-N-A D-E-, capital B as in boy, -E-A-U-V-, as in valentine, -O-I-R.

Q. Okay. And you served for approximately 36 years as the Travis County clerk; is that correct?

A. Correct.

Q. You were -- you've ran -- you've run for election eight or nine times, I think --

A. That's --

Q. -- is that correct?

A. -- correct.

Q. And you've won each time, right?

A. Yes.

Q. Okay. Now, each time you've run, you've run as a Democrat, correct?

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A. Correct.

Q. And you remember the Democrat party, correct?

A. Yes.

Q. All right. So you've been deposed before, correct? I --

A. Yeah.

Q. I know I talked to you back in 2020. I think we had two depositions that were election cases that were going on. Have you been deposed other than those two times that you recall?

A. Possibly many years ago. I'm recalling early in my career, Americans with Disabilities, that case was the -- when the new family medical leave act law was put into place. I believe I was the first for that.

Q. Okay. Since you've -- you've had some experience, I'll -- I'll just briefly kind of back over the -- the rules that we want to utilize today in this deposition. The first is to just let you know that you're under oath at all times. You understood that, correct?

A. Correct. Yes.

Q. The second is that -- that when we're talking today, our court reporter here is going to have to take everything that we say down. So to make her job easier, I want us to kind of have an agreement, which is: When

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I ask a question, if you would wait to give your answer until the question is asked, and then I will in turn, when you're answering, I will try to wait until you're finished until I ask the next question, and that will help us make sure that we have a good record of these proceedings today. Is that fair?

A. Agreed.

Q. Great. The other thing is -- is that she can't take down shakes of the heads, uh-huhs, huh-uhs, that sort of thing. Things that we might do in normal conversation, we have to make sure that we get a verbal answer for it from; and therefore, there may be times where I follow up and say is that a yes or is that a no or something like that --

A. Understood.

Q. -- but that's the reason I'm doing it, is to make sure she can get a good record, and we have one later.

If there's an objection today from your counsel, you -- unless you're instructed not to answer, then please go ahead and provide a response and then, you know, we -- but -- but, you know, objections are fairly common in deposition. So -- but we need you to answer unless instructed otherwise.

Finally, if we need to -- I'm going to try

3 (Pages 6 to 9)

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1 that if you're in line on time, you can still vote?

2 A. We are --

3 MR. NELSON: Object -- hold on.

4 Objection; form. Document speaks for
5 itself.

6 But go ahead and answer.

7 A. I was going to say, we're -- we're correct. It
8 applies to both election day and early voting.

9 Q. (BY MR. SWEETEN) Okay. And that's what SB 1
10 does?

11 A. Yes, it is.

12 Q. All right. And that's a good thing, isn't it?

13 A. It is.

14 Q. Okay. Now --

15 A. There are good things about this bill.

16 Q. Okay. And then here's another one. It's
17 section 7.02, and you don't have to look at it. You may
18 know this, but you can, you're free to.

19 You would agree that --

20 A. Did you say 7?

21 MR. SWEETEN: 7.02.

22 MR. NELSON: Do you have a page number,
23 Counsel?

24 A. We're pretty deep in. 7.10. Okay. 57.

25 MR. SWEETEN: There you go. Thank you.

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1 A. Okay.

2 Q. -- in early voting, right?

3 A. Yes.

4 Q. And do you think that's a good thing?

5 A. Yes. It depends on what the level of offense
6 is, but incentives for employers to let voters go vote
7 is usually a good thing.

8 Q. Okay. Very good. So let's go back to the
9 video, if I can -- if it hasn't died on me. Let's see.

10 MR. NELSON: Oh. Yeah.

11 MR. SWEETEN: Here we go. So here you're
12 taking a break. We're at 2:27. It's a long press
13 conference.

14 THE WITNESS: It really was. They
15 wanted -- they wanted me to cover every single thing,
16 and I had to be like a professor, very well organized,
17 because they were going to ask me about every single one
18 of those forms.

19 MR. SWEETEN: Oh, my goodness.

20 MR. NELSON: And what mark are we at?

21 What --

22 MR. SWEETEN: 2:29, it says, so...

23 Well, maybe. I think we're offline now.

24 Q. (BY MR. SWEETEN) Well, I'll tell you what.
25 Let's just keep going. I can ask you -- I remember

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1 THE WITNESS: Sure. That's what being a
2 clerk gets you.

3 (In sotto voce.)

4 MR. NELSON: Try not to read it because she
5 has to write it down.

6 THE WITNESS: I'm sorry. I'm so sorry.
7 Sorry.

8 MR. NELSON: And then after you finish
9 reading, if he has a question, I'm sure he'll ask it.

10 Q. (BY MR. SWEETEN) So 7.2 adds protections for
11 employees for early voting as well as for election day,
12 correct?

13 MR. NELSON: Objection; form.

14 If you can answer that.

15 A. Well, it starts by saying a person commits an
16 offense.

17 Q. (BY MR. SWEETEN) And that existed, right?
18 That already was in the election code under section
19 27 -- 276.004 A and B, they're amended to read as
20 follows. And the added languages or while early voting
21 is in progress?

22 A. To allow employees to vote equally during early
23 voting, not just election day.

24 Q. It -- it extended protections against lawyers
25 penalizing voters who vote for --

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1 enough about it. So what was -- what was the purpose --
2 why -- why did you hold the press conference in January
3 of 2022?

4 A. Okay. I did it for two reasons: First of all,
5 it was to correct a lot of misinformation in social
6 media. So the idea was if I could get a -- a lot of
7 reporters and television networks in, I can try to have
8 one opportunity to get all the facts straight. So that
9 was my -- my first goal, was correct misinformation; the
10 second, was to try to provide all of the media a
11 one-stop shop for what was actually correct. So counter
12 the bad, provide them with what is correct information
13 and try to give them, meaning the media, a -- a -- a --
14 the -- the quickest sort of 25 words or less, if I
15 could, way to describe the problem that voters were
16 having. In other words, if -- if you sat down and tried
17 to vote by mail, what would you see if you were in that
18 position? Bring it down to their -- to their level.
19 That was my intent. Show them in person, on paper,
20 where the problems were.

21 Q. And -- and you were trying to communicate -- so
22 you were trying to communicate both to the press and to
23 the people about how to properly adhere -- follow SB 1?

24 A. Correct.

25 Q. Okay. And -- and part of that was that you

23 (Pages 86 to 89)

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1 were -- you were suggesting that they -- that they
2 utilize both numbers, both their driver's license number
3 and their voter ID -- voter identification card number
4 on their -- on their mail-in ballots when they send them
5 in, right?

6 A. That was before we got clarification and before
7 the courts stepped in, so I had to be very careful about
8 the information that I gave to my constituents because
9 we were gagged from telling anybody exactly what to do.
10 So I had to be cautious about explaining that yes,
11 voters, in order the protect themselves from making a
12 mistake that could turn out to a fatal error, should
13 actually write both numbers. But there was an
14 interpretation under law that if I went around just
15 saying that to everybody, that then I was in fact
16 promoting early voting. And that was a felony
17 provision, I believe -- felony provision under Senate
18 Bill 1.

19 Q. Who -- where did you get the interpretation. I
20 don't want -- if you've talked to your lawyers, I don't
21 want to get that. Okay?

22 A. Well, it's my lawyers. Of course I talked to a
23 county attorney.

24 Q. Okay. So the county attorneys -- you were
25 advised that you could --

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1 neighbors, from your friends, and from all the
2 information you're going to read about this is that it's
3 the best idea to use both numbers.

4 Q. Okay. And -- and you weren't -- I mean, this
5 is a very public conference. You gave that information.
6 You weren't in any way -- nobody investigated you, to
7 your knowledge, on that point, right?

8 A. I was pretty fearless by then.

9 Q. Okay. But that's not my question. My question
10 is --

11 MR. SWEETEN: I have to object to
12 nonresponsive for the record.

13 Q. (BY MR. SWEETEN) But -- but my question is
14 different. My question is: Do you know if anybody
15 investigated you regarding these remarks that you made
16 in January of 2022?

17 A. I would not have known.

18 Q. Okay. Has any law enforcement or anybody
19 contacted you about those remarks that you made?

20 A. I would not have known.

21 Q. Okay. All right. So -- but needless to say,
22 no one directly contacted you and said we're looking at
23 this issue, right? Because they were --

24 A. So far, no.

25 Q. Okay. All right. So you -- you were critical

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1 A. To be very careful.

2 Q. To be careful. But are you saying that it was
3 your view that you couldn't tell people how to early
4 vote in your position as the Travis County election
5 administrator?

6 A. I couldn't tell them how to avoid mistakes on
7 voting by mail without advocating for voting by mail.
8 It was my catch-22.

9 Q. Okay. And so you interpreted SB 1 to prohibit
10 you from saying -- telling people how they could
11 properly cast an absentee or a mail-in voting ballot?

12 A. There was sufficient risk that I felt gagged.

13 Q. Okay. Well, I mean, you gave that press
14 conference, and you were very clear, right? I mean, you
15 didn't -- you weren't gagged at that point. When you
16 were talking you were very open about how you can
17 properly cast a mail-in ballot, weren't you?

18 MR. NELSON: Objection; form. You can
19 answer to the extent --

20 A. I was careful about what I said.

21 Q. (BY MR. SWEETEN) Okay. Well, I mean, you told
22 folks that if you're going to cast a ballot that you
23 need to put both of your numbers on there, right?

24 A. What I said was that the best advice you're
25 going to get from your own political party, from your

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1 of the Secretary of State's office in that press
2 conference, right?

3 A. Yeah.

4 Q. And I think one thing that came up in the press
5 conference was that you said that they had a portal that
6 you weren't able to -- that -- that wasn't updated as --
7 as of January 2020 when you made these remarks; is that
8 right?

9 A. I was referring to the voter register database
10 that did not include sufficient information for the
11 large counties which typically didn't access the
12 database where they had loaded the information regarding
13 driver's license numbers. So the large counties didn't
14 have access to the information. It was missing for us.
15 In fact, all we could pull up was a blank screen. And
16 if we wanted to try to verify our ballots by mail, then
17 we had to, you know, wait for them to be ready to give
18 us the information or try to bypass and join onto the
19 team system. But if big counties try to get onto the
20 team system, which is designed for small counties, it
21 crashes teams. So it was a problem.

22 I also defended the Secretary of State's
23 office, too, because I -- I believe they replaced Biden
24 legislature in an untenable situation. They were asked
25 to implement a law that there was not time nor resources

24 (Pages 90 to 93)

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1 provided to do so. So they did a poor job of
2 implementation, and they were set up to do a poor job.

3 Q. To your knowledge -- and you left in late
4 January, to -- to your knowledge, was the SOS Portal
5 eventually something that was accessible to --

6 A. Very late in the game.

7 Q. Okay.

8 A. I believe it was after I left.

9 Q. Okay.

10 A. Too late.

11 Q. And so when we're talking about access -- let
12 me make sure I understand the facts on the ground. So
13 your concern was that a voter might send in their --
14 their ballot --

15 A. Huh-uh.

16 Q. No?

17 A. Huh-uh.

18 Q. Their registration?

19 A. No, their application for a ballot by mail.

20 Q. Okay. So then let's start over. So your
21 concern is that a voter would send their application to
22 vote by mail, and one thing that you were concerned
23 about having is they wouldn't put any number on there,
24 right?

25 A. Or -- or they would put the wrong one and it

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1 didn't match what was on the database, and then there
2 was no way to find out another number.

3 Q. Okay. And so give me an instance of where that
4 happened. Was -- let's pick a certain voter. What kind
5 of -- give me an example of when that happened?

6 MR. NELSON: Hold on. You're talking about
7 after SB 1 was implemented?

8 MR. SWEETEN: Correct.

9 A. I -- I wouldn't be able to do that, but what I
10 can tell you is -- because you're -- you're confusing
11 two individual parts of a process, okay? The first part
12 is the application for the ballot by mail, and the
13 second part is when the ballot -- when the voter, excuse
14 me, sends their voted ballot back in.

15 And depending on where we were in the
16 process of the first part of the -- of it or the second
17 part of it, they were varying rejection rates. We
18 started out in just the application process with an
19 overall 50 percent rejection rate. That was before the
20 courts intervened to help us be able to talk to our
21 constituents about how to cure their application. But
22 that took a lot of time, and it wasted a lot of time
23 voters could have had available to them to cure their
24 ballots. We got that application -- read -- rejection
25 rate down to I think it was 27 percent before I left.

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1 Then on the side of receiving ballots back in, by then,
2 the court had intervened, and we start setting up a
3 crew. And by then, I was starting to depart -- to call
4 voters. And we hired a whole room full of people to
5 start calling people and saying, you know, what's --
6 what's your driver's license number, basically, because
7 that was the magic number that we needed. And once that
8 started, we were able to drop the rejection rate down
9 from -- that 27 percent, we got it down to a much lower
10 rating. I think I heard after I left that we had gotten
11 it down to about 8 percent. That's still way higher or
12 much higher than it should have been. The -- the
13 typical percentage you would have expected would be
14 about 1 to 1 and a half percent.

15 Q. Okay. So you -- you've said a lot there and
16 I've got a lot of questions. But let -- let's start
17 with this one: Can you look at Exhibit 3 and page 61 of
18 that?

19 MR. SWEETEN: Bill, this is SB 1.

20 MR. NELSON: You said page 61?

21 MR. SWEETEN: That's right.

22 MR. NELSON: Okay. Thank you.

23 Q. (BY MR. SWEETEN) Are you there --

24 A. I am.

25 Q. Okay. So you said you were concerned you may

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1 violate SB 1 if you gave info on how to correct
2 mistakes, right?

3 A. That's correct.

4 Q. Now, you would --

5 A. It wasn't -- Pat -- Patrick, I'm sorry. It
6 wasn't just me. It was every elections office in the
7 state.

8 Q. All right. Now, you would agree with me that
9 the prohibition in section A, it is -- if you look at E
10 on page 61, it basically says subsection A does not
11 apply if the public official or election official -- and
12 you're -- you're a public official or election official,
13 correct?

14 MR. NELSON: Was.

15 Q. (BY MR. SWEETEN) You were at the time,
16 correct?

17 A. Well, I was before the primary.

18 Q. All right. So let -- let's just keep it to
19 January 2022 when you made these remarks at the press
20 conference. Now, it's the case, it's subsection A. It
21 says subsection A does not apply if the public official
22 or election official, which you were one in January
23 of 2022, right? Let's stop there --

24 A. Correct. Yes, yes. I'm sorry. I'm trying to
25 read this and answer you, too.

25 (Pages 94 to 97)

EXHIBIT

102

JANE NELSON, et al.,
Defendants,

Case No. 1:21-cv-0786-XR

Jennifer Colvin

March 21, 2023
Pages 2 to 5

Page 2	Page 4
<p>1 MI FAMILIA VOTA, et § al., § 2 Plaintiffs, § § 3 v. § Case No. 5:21-cv-0920-XR § 4 GREG ABBOTT, et al., § Defendants. § 5 6 7 8 9 ORAL AND VIDEOTAPED DEPOSITION OF 10 JENNIFER COLVIN 11 MARCH 21, 2023 12 13 14 15 ORAL AND VIDEOTAPED DEPOSITION OF JENNIFER COLVIN, 16 produced as a witness at the instance of the Defendants 17 and duly sworn, was taken in the above styled and 18 numbered cause on Tuesday, March 21, 2023, from 19 12:20 p.m. to 3:43 p.m., before DONNA QUALLS, Notary 20 Public in and for the State of Texas, reported by 21 computerized stenotype machine, at the offices of Harris 22 County Attorney's Office, 1019 Congress Street, 15th 23 Floor, Houston, Texas, pursuant to the Federal Rules of 24 Civil Procedure, and any provisions stated on the record 25 or attached hereto.</p>	<p>1 LEIGH TOGNETTI (Via Zoom) LISA CUBRIEL, BEXAR COUNTY (Via Zoom) 2 LUCIA ROMANO (Via Zoom) MIKE STEWART, DOJ (Via Zoom) 3 URUJ SHEIKH, LDF (Via Zoom) ZACHARY DOLLING, TCRP, OCA (Via Zoom) 4 REGGIE WRIGHT, THE VIDEOGRAPHER 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S 2 3 FOR THE HARRIS COUNTY ELECTIONS ADMINISTRATOR: SAMEER S. BIRRING TIFFANY BINGHAM 4 OFFICE OF THE HARRIS COUNTY ATTORNEY CHRISTIAN D. MENEFEE 5 1019 Congress, 15th Floor Houston, Texas 77002 6 (713) 274-5142 sameer.birring@harriscountytexas.gov 7 8 FOR THE HOUSTON AREA URBAN LEAGUE (HAUL) PLAINTIFFS: JENNIFER A. HOLMES 9 NAACP Legal Defense and Educational Fund, Inc. 700 14th Street N.W., Suite 600 10 Washington, District of Columbia 20005 (347) 573-0197 11 jholmes@naacpldf.org 12 13 FOR THE UNITED STATES: DANA PAIKOWSKY 14 U.S. DEPARTMENT OF JUSTICE 950 Pennsylvania Avenue, NW Washington, District of Columbia 20530 15 (202) 353-5225 dana.paikowsky@usdoj.gov 16 17 FOR THE STATE DEFENDANTS: KATHLEEN T. HUNKER 18 OFFICE OF THE ATTORNEY GENERAL P.O. BOX 12548 (MC-009) 19 AUSTIN, TEXAS 78711-2548 (512) 463-2100 20 kathleen.hunker@oag.texas.gov 21 22 Also Present: STEPHEN KENNY (Via Zoom) BRADLEY PROWANT (Via Zoom) 23 BREANNA WILLIAMS, NAACP (Via Zoom) CARRIE LEBEL (Via Zoom) 24 GERMAINE HABELL (Via Zoom) JOHN GORE, GOP (Via Zoom) 25 JOHN SULLIVAN BAKER, DOJ (Via Zoom)</p>	<p>1 INDEX 2 PAGE 3 4 Appearances..... 3 5 JENNIFER COLVIN 6 Examination by Ms. Hunker..... 7 7 Examination by Ms. Paikowsky..... 47 8 Examination by Ms. Holmes..... 74 9 Further Examination by Ms. Hunker..... 92 10 11 Corrections & Signature..... 104 12 Reporter's Certificate..... 106 13 14 EXHIBIT INDEX 15 16 NUMBER DESCRIPTION PAGE 17 Exhibit 11 Election reconciliation 24 18 official totals 19 Exhibit 12 Defendant Harris County 38 20 Elections Administrator, Clifford Tatum's responses and objections to state defendants' 21 second set of interrogatories, and third set of requests for Production 22 Exhibit 13 Ballot insert 41 23 Exhibit 14 Ballot insert 53 24 Exhibit 15 Call log spreadsheet 77 25 Exhibit 16 Harris County Elections 89 Administrator, Clifford Tatum's supplemental responses to state defendants' second set of interrogatories</p>

Jennifer Colvin

March 21, 2023
Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 THE VIDEOGRAPHER: We are now on the</p> <p>2 record. This begins Videotape No. 1 in the deposition</p> <p>3 of Jennifer Colvin in the matter of La Union Del Pueblo</p> <p>4 Entero, et al., versus Gregory W. Abbott, et al. Case</p> <p>5 No. 5:21-CV-844-XR.</p> <p>6 THE REPORTER: Can I have all parties state</p> <p>7 their name and appearance for the record.</p> <p>8 MS. HUNKER: Kathleen Hunker representing</p> <p>9 the state defendants from the attorney general's office.</p> <p>10 MS. HOLMES: Jennifer Holmes on behalf of</p> <p>11 the private plaintiffs, specifically the HAUL</p> <p>12 plaintiffs.</p> <p>13 MS. PAIKOWSKY: Dana Paikowsky on behalf of</p> <p>14 the United States.</p> <p>15 MR. BIRRING: Sameer Birring from the</p> <p>16 Harris County Attorney's Office on behalf of the Harris</p> <p>17 County Elections Administrator witnesses.</p> <p>18 MS. BINGHAM: And Tiffany Bingham on behalf</p> <p>19 of Harris County Elections Administrator.</p> <p>20 THE REPORTER: Can I have you raise your</p> <p>21 right hand.</p> <p>22 MR. KENNY: Stephen Kenny, Jones Day on</p> <p>23 behalf of Intervenor-Defendants.</p> <p>24 JENNIFER COLVIN,</p> <p>25 having been duly sworn, testified as follows:</p>	<p style="text-align: right;">Page 8</p> <p>1 provide verbal answers like "yes" or "no" rather than</p> <p>2 nodding or shaking your head. This has some extra</p> <p>3 importance here today because we have many attorneys</p> <p>4 participating remotely and they may not be able to see</p> <p>5 you if they're dialing in.</p> <p>6 A. Okay.</p> <p>7 Q. Does that make sense?</p> <p>8 A. Yes.</p> <p>9 Q. It also helps the court reporter if we don't</p> <p>10 talk over one another. I'm going to do my best to wait</p> <p>11 for you to finish your answers before I ask my next</p> <p>12 question. Will you do your best to wait for me to</p> <p>13 finish my asking my question before you start your</p> <p>14 answer?</p> <p>15 A. I will.</p> <p>16 Q. If you don't understand the question, will you</p> <p>17 please let me know?</p> <p>18 A. I will.</p> <p>19 Q. And if you do answer the question, I'm going to</p> <p>20 assume that you understood the question.</p> <p>21 Is that fair?</p> <p>22 A. Yes.</p> <p>23 Q. If you need a break at any time, please let me</p> <p>24 know. My only request is that you answer any pending</p> <p>25 question before we take a break. Okay?</p>
<p style="text-align: right;">Page 7</p> <p>1 EXAMINATION</p> <p>2 BY MS. HUNKER:</p> <p>3 Q. Good afternoon.</p> <p>4 A. Hello.</p> <p>5 Q. My name is Kathleen Hunker. I'm a lawyer with</p> <p>6 the Office of the Texas Attorney General representing</p> <p>7 the State defendants in this matter.</p> <p>8 Can you please state and then spell your</p> <p>9 name for the record?</p> <p>10 A. Sure. Jennifer Colvin.</p> <p>11 J-E-N-N-I-F-E-R C-O-L-V, as in "Victor," -I-N.</p> <p>12 Q. Thank you. I'm going to start with some</p> <p>13 introductory questions and instructions. After that's</p> <p>14 done, I'll move on to the main subject of the</p> <p>15 deposition. Okay?</p> <p>16 A. Yes.</p> <p>17 Q. Have you been deposed before?</p> <p>18 A. No.</p> <p>19 Q. But you understand that you are under oath,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. And that oath would have the same effect as if</p> <p>23 you were testifying in a court of law?</p> <p>24 A. Yes.</p> <p>25 Q. For the court reporter, you will need to</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Okay.</p> <p>2 Q. Also, if you hear an objection from your</p> <p>3 counsel, that is typically for a Court to decide at a</p> <p>4 later date. I, therefore, ask that you go ahead and</p> <p>5 answer the question unless you are instructed not to</p> <p>6 answer. Okay?</p> <p>7 A. Okay.</p> <p>8 Q. Now I'm obliged to ask the following questions:</p> <p>9 Have you consumed any alcohol today?</p> <p>10 A. No.</p> <p>11 Q. Have you consumed any drugs today?</p> <p>12 A. No.</p> <p>13 Q. Are you aware of anything that would affect</p> <p>14 your ability to testify truthfully and accurately today?</p> <p>15 A. No.</p> <p>16 Q. You haven't brought any documents with you,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Now I'm going to direct your attention to the</p> <p>20 first exhibit we have submitted in this case. You</p> <p>21 should have the documents in front of you. This is</p> <p>22 Exhibit 1.</p> <p>23 Do you have that document in front of you?</p> <p>24 A. I do.</p> <p>25 Q. And I'd like you to turn to the first page. Do</p>

Jennifer Colvin

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Pages 58 to 61

<p style="text-align: right;">Page 58</p> <p>1 Q. So I'm going to ask you some questions about</p> <p>2 final rejections, and I want to define that for a</p> <p>3 second. So a final rejection, I'm using to mean a voter</p> <p>4 has either failed to cure a ballot defect or a ballot</p> <p>5 defect -- a cure was insufficient for some reason.</p> <p>6 Did your county send out notices of final</p> <p>7 rejection in the 2022 general election to people who</p> <p>8 were unable to cure their ballot defects or whose cure</p> <p>9 were insufficient?</p> <p>10 A. Yes.</p> <p>11 Q. What is the process for providing this final</p> <p>12 notice?</p> <p>13 A. The --</p> <p>14 MS. HUNKER: Objection; form.</p> <p>15 A. The board will give us -- well, we -- the</p> <p>16 ballots are already in our possession, but the board</p> <p>17 will -- we change the code to a final rejection code,</p> <p>18 and it's generated through VOTEC, our voter management</p> <p>19 system. And we mail the letter to the voter.</p> <p>20 Q. (BY MS. PAIKOWSKY) So the final notice comes</p> <p>21 through a letter only?</p> <p>22 A. Yes.</p> <p>23 Q. And earlier you mentioned -- so a prelim- --</p> <p>24 how would you provide notice for a -- withdrawn.</p> <p>25 How is the process different for providing</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Approximately 20.</p> <p>2 Q. And do you know how much hiring these</p> <p>3 additional employees cost?</p> <p>4 A. Not off the top of my head, no.</p> <p>5 Q. Are these staffing needs greater than -- what</p> <p>6 were required in previous, past elections?</p> <p>7 MS. HUNKER: Objection; form.</p> <p>8 A. Yes. Depending on the size of the election, of</p> <p>9 course.</p> <p>10 Q. (BY MS. PAIKOWSKY) Did processing ABBMs take</p> <p>11 longer in the November 2020 general election than it has</p> <p>12 in similar past elections because of Senate Bill 1's ID</p> <p>13 requirements?</p> <p>14 MS. HUNKER: Objection; form.</p> <p>15 A. Yes, to an extent.</p> <p>16 Q. (BY MS. PAIKOWSKY) How did the processing of</p> <p>17 ABBMs change -- actually withdrawn.</p> <p>18 Did processing ABBMs during the</p> <p>19 November 2022 general election change in terms of how</p> <p>20 long it took in the 2022 general election as -- as</p> <p>21 opposed to similar past elections?</p> <p>22 A. Can you clarify similar past elections? Are</p> <p>23 you referring to March primaries?</p> <p>24 Q. I'm referring to --</p> <p>25 A. Or prior to SB1?</p>
<p style="text-align: right;">Page 59</p> <p>1 a final notice of rejection versus a notice of a ballot</p> <p>2 defect?</p> <p>3 A. A ballot defect, we will call the voter or send</p> <p>4 them a letter or e-mail them if there's an e-mail</p> <p>5 provided to tell them the different ways that they have</p> <p>6 to -- that they can cure.</p> <p>7 Q. So earlier we were talking about staffing</p> <p>8 needs. Did implementing Senate Bill 1's identification</p> <p>9 requirements change the staffing needs of your office to</p> <p>10 process and facilitate the mail voting procedures?</p> <p>11 A. It did.</p> <p>12 Q. In what way?</p> <p>13 A. We created -- since the ballot board give --</p> <p>14 they gave us their duties of calling and informing the</p> <p>15 voters of their mixmatch or missing IDs, we created a</p> <p>16 team, an SB1 team, of approximately 12 employees that</p> <p>17 would do the calling and notifying the voters. And they</p> <p>18 would also -- we also had to increase our mail room,</p> <p>19 scan room team to help pull the flaps of all the ballots</p> <p>20 that came back.</p> <p>21 Q. And these 12 employees, were they full time?</p> <p>22 A. No.</p> <p>23 Q. How many employees, between mail room increases</p> <p>24 and this SB1 team, would you say you had to add during</p> <p>25 the 2022 general election?</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Prior to SB1.</p> <p>2 A. Yes, it took longer.</p> <p>3 Q. And why was that?</p> <p>4 A. We had to look in a separate part -- their ID</p> <p>5 is not on the front screen of where we enter an app. We</p> <p>6 have to actually go into the voter's profile to look at</p> <p>7 the additional information.</p> <p>8 Q. As compared to past elections, did implementing</p> <p>9 Senate Bill 1's ID provisions impact how long it took to</p> <p>10 process carrier envelopes?</p> <p>11 A. Yes.</p> <p>12 Q. And in what way?</p> <p>13 A. Because we had to tear the flap and -- first we</p> <p>14 would tear the flap, and then we would have to process</p> <p>15 the ones that didn't have ID with extra -- that caused</p> <p>16 extra work for the office. Yeah, that's it.</p> <p>17 Q. Based on your experience implementing Senate</p> <p>18 Bill 1's mail ballot ID provisions, do you believe your</p> <p>19 office will continue to need to expend more resources on</p> <p>20 staffing to support mail voting than it has in the past?</p> <p>21 A. Yes, depending on the size of the election.</p> <p>22 For presidential, most definitely.</p> <p>23 Q. So I guess comparing like elections to like</p> <p>24 elections. So --</p> <p>25 A. I would say it would remain the same.</p>

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<p style="text-align: right;">Page 66</p> <p>1 to get voters either return their ballots or get them</p> <p>2 noticed in a timely way?</p> <p>3 A. It wouldn't impact our office mailing them out</p> <p>4 in any way. We would mail them as soon as we received</p> <p>5 them.</p> <p>6 Q. But your knowledge would it impact --</p> <p>7 withdrawn.</p> <p>8 Although it did not impact your ability to</p> <p>9 send the notice, did it impact voters' ability to</p> <p>10 receive the notice for their ballots in any way?</p> <p>11 A. Possibly. I didn't hear of any voters saying</p> <p>12 they didn't receive notice.</p> <p>13 Q. But there was a delay?</p> <p>14 MS. HUNKER: Objection; form.</p> <p>15 A. Possibly.</p> <p>16 Q. (BY MS. PAIKOWSKY) Okay. So I know we</p> <p>17 mentioned -- and I can take us back here. But there</p> <p>18 were 30 voters, UOCAVA voters, whose ballots were</p> <p>19 rejected. Do you know if any of those voters had their</p> <p>20 ballot rejected because of an identification number</p> <p>21 issue?</p> <p>22 A. I believe so. I don't know the total there.</p> <p>23 Q. Were there any voters, UOCAVA voters, who had</p> <p>24 an ABBM rejected because of an identification issue?</p> <p>25 A. I believe so.</p>	<p style="text-align: right;">Page 68</p> <p>1 elderly and said they weren't able to use the system.</p> <p>2 But we walked them through it, and we were able to help</p> <p>3 them cure.</p> <p>4 Q. Based on your experience implementing SB1's</p> <p>5 mail ballot identification provision, thus far, do you</p> <p>6 believe the rejection rate will ever be zero?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. Because we're -- a lot of our voters are</p> <p>10 elderly and they forget. They forget they have to</p> <p>11 include their ID.</p> <p>12 Q. Did your office receive any communications from</p> <p>13 voters who were frustrated by Senate Bill 1's mail</p> <p>14 ballot identification provision during the November 2022</p> <p>15 general election?</p> <p>16 A. It would be in the call log if we did.</p> <p>17 Q. Are you aware of the statewide rejection rate</p> <p>18 for a ABBMs during the November 2022 general election?</p> <p>19 A. Statewide, no.</p> <p>20 Q. Sorry. So -- and this also might be -- let me</p> <p>21 know if this is not sort of within your experience.</p> <p>22 But has your office ever referred a voter</p> <p>23 whose ABBM or carrier envelope did not match their TEAM</p> <p>24 record to the office of the secretary of state as a</p> <p>25 potential case of voter fraud?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Do you know approximately how many?</p> <p>2 A. I don't know that number off the top of my</p> <p>3 head.</p> <p>4 Q. Are you aware of any for whom, given the</p> <p>5 timing, it just wasn't possible for them to cure these</p> <p>6 issues?</p> <p>7 MS. HUNKER: Objection; form.</p> <p>8 A. No.</p> <p>9 Q. (BY MS. PAIKOWSKY) Earlier we were discussing</p> <p>10 ballots that might be rejected for multiple reasons. Do</p> <p>11 you have a sense for how common that is?</p> <p>12 A. It's not very common.</p> <p>13 Q. When you say "not very common," can you give me</p> <p>14 an estimate?</p> <p>15 A. Generally, it's rejected for either no</p> <p>16 signature or no ID, not normally for both. They don't</p> <p>17 usually send a voter ballot back without one or the</p> <p>18 other.</p> <p>19 Q. In the November 2022 general election, were</p> <p>20 voters in your county able to use the State's website to</p> <p>21 track and cure their ballots?</p> <p>22 A. Yes.</p> <p>23 Q. To your knowledge, did any voters in the 2022</p> <p>24 general election have difficulty using that system?</p> <p>25 A. We had a couple that called that were very</p>	<p style="text-align: right;">Page 69</p> <p>1 A. No. Wait, can you elaborate? I'm sorry.</p> <p>2 Q. So if there is a mis- -- mismatch between a</p> <p>3 voter's ID on their ABBM or carrier envelope, has that</p> <p>4 ever caused you to reach out to the office of secretary</p> <p>5 of state to let them know that this might be a potential</p> <p>6 case of voter fraud?</p> <p>7 A. No.</p> <p>8 Q. Has your office made a similar referral, again,</p> <p>9 because of an ID mismatch as a potential case of voter</p> <p>10 fraud to the attorney general's office?</p> <p>11 A. No.</p> <p>12 Q. Has your office ever made a referral for voter</p> <p>13 fraud -- potential voter fraud because of an ID mismatch</p> <p>14 to the county DA's office?</p> <p>15 A. Can we clarify? We're talking about</p> <p>16 November 2022?</p> <p>17 Q. Correct.</p> <p>18 A. Okay. No.</p> <p>19 Q. Have you made criminal referrals based on ID</p> <p>20 mismatches as a potential case of voter fraud since SB1</p> <p>21 was enacted?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. We haven't had a reason to.</p> <p>25 Q. And why not?</p>

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Pages 70 to 73

<p style="text-align: right;">Page 70</p> <p>1 A. We haven't had any that were the wrong voter. 2 I get -- I don't know how to answer that question. Like 3 I don't know what answer you're looking for. 4 Q. Any answer you give is the right answer. 5 All right. So I know you had mentioned 6 that you might have limited experience with TEAM. But 7 if you could just kind of -- if you know it, you know 8 it. If you don't, just let us know. 9 So to your knowledge, has your county ever 10 had issues communicating your data to TEAM or vice 11 versa? 12 A. No. 13 Q. You don't know or you -- 14 A. I use TEAM quite often actually. 15 Q. So I'm talking about -- you're an offline 16 county; is that right? 17 A. Yes. 18 Q. Has there ever been difficulty receiving data 19 from TEAM or sending it up to TEAM with the merges? 20 A. I'm not sure about that part. That's a 21 different department. 22 Q. I see. So can you explain to me a little bit 23 about how you interact with TEAM? 24 A. Sure. We use TEAM to upload daily ballot 25 activity files to alert TEAM of applications received,</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Are there instances where TEAM has two and you 2 have one? 3 A. Yes. 4 Q. Do you know why that might be? 5 A. I don't. That's voter registrar. 6 Q. Have you ever come across instances where the 7 ID numbers or social security numbers in TEAM are 8 inaccurate? 9 A. No. 10 Q. Would it surprise you to know that an expert 11 witness retained by the United States found that some 12 mail voters had their ballots rejected solely because of 13 database errors? 14 MS. HOLMES: Objection; form. 15 A. Your question -- what? Repeat it. I'm sorry. 16 Q. (BY MS. PAIKOWSKY) Would it surprise you to 17 know that an expert witness retained by the United 18 States found that some mail voters had their ballots 19 rejected solely because of database issues in TEAM? 20 MS. HOLMES: Objection; form. 21 A. In our county or -- 22 Q. (BY MS. PAIKOWSKY) Across -- 23 A. -- just in general? 24 Q. In general. 25 A. Would it surprise me, no. I mean, every --</p>
<p style="text-align: right;">Page 71</p> <p>1 rejected, okay, whatever the case may be. That way the 2 voter can go onto their website and cure if need be. 3 Q. Based on your experience, is the data in TEAM 4 related to ID numbers -- voter's ID numbers complete? 5 MS. HUNKER: Objection; form. 6 A. I would say from what I've seen, yes. I've 7 never ran across a file that doesn't have one or the 8 other. 9 Q. (BY MS. PAIKOWSKY) I guess maybe to rephrase. 10 So have you ever ran across instances where 11 a voter has either a driver's license number or social 12 security number that is not reflected on TEAM? 13 A. Yes. Let me clarify. If we received an 14 application and it -- they provided their Texas driver's 15 license and TEAM had the social but didn't have the 16 driver's license, yes, we've seen that. 17 Q. So by complete, I meant, you know, a voter 18 might have both a driver's license number and social 19 security number but TEAM only has one or the other. Is 20 that an instance where you've seen? 21 A. On the application or in our voter management 22 system? 23 Q. In TEAM or in the voter management system. 24 A. So in our voter management system, yes. I've 25 seen where we've had two and TEAM only has one.</p>	<p style="text-align: right;">Page 73</p> <p>1 every system is -- there's room for error in any system; 2 so it wouldn't surprise me. 3 Q. What would your reaction be if it were proven 4 as part of the evidence in this case that some voters in 5 your county had mail ballots rejected because of 6 database issues that make it impossible for them to 7 comply with SB1's mail ballot ID requirement under no 8 fault of their own? 9 MS. HUNKER: Objection; form. 10 A. Can you repeat the first part of your question? 11 My apologies. 12 Q. (BY MS. PAIKOWSKY) I know. This is like a 13 paragraph. 14 So what would your reaction be if it were, 15 in fact, proven as part of the evidence of this case 16 that some voters in your county had their mail ballots 17 rejected because of database issues that make it 18 impossible for them to comply with SB1's mail ballot ID 19 requirement and for no fault of their own? 20 MS. HUNKER: Objection; form. 21 A. I would hope they would get it fixed in the 22 future. 23 MS. PAIKOWSKY: Okay. I think that I am 24 ready to pass the witness. 25 MS. HOLMES: I think I'll have some</p>

EXHIBIT

103

Kristi Hart

June 30, 2022
Pages 2 to 5

<p style="text-align: right;">Page 2</p> <p>LULAC TEXAS, et al.,)) Plaintiffs,)) V.) Case No. 1:21-cv-0786-XR) JOHN SCOTT, et al.,)) Defendants.)</p> <p>-----</p> <p>MI FAMILIA VOTA, et al.,)) Plaintiffs,)) V.) Case No. 5:21-cv-0920-XR) GREG ABBOTT, et al.,)) Defendants.)</p> <p>-----</p> <p>UNITED STATES OF AMERICA,)) Plaintiffs,)) V.) Case No. 5:21-cv-1085-XR) THE STATE OF TEXAS, ET AL.,)) Defendants.)</p> <p>-----</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>ON BEHALF OF THE PLAINTIFFS: JENNIFER K. YUN, ESQ. RICHARD A. DELLHEIM, ESQ. MICHAEL E. STEWART, ESQ. U.S. Department of Justice, Civil Rights Division 950 Pennsylvania Avenue NW Washington, DC 20530 Telephone: (202) 305-5533 Jennifer.yun@usdoj.gov Richard.dellheim@usdoj.gov Michael.stewart3@usdoj.gov</p> <p>ON BEHALF OF THE PLAINTIFFS, MI FAMILIA VOTA MARK L. BIETER, ESQ. Stoel Rives LLP 101 S. Capitol Boulevard Suite 1900 Boise, Idaho 83702 Telephone: (208) 387-4217 Mark.bieter@stoel.com</p> <p>ON BEHALF OF THE DEFENDANTS: KATHLEEN HUNKER, ESQ. J. AARON BARNES, ESQ. Office of the Attorney General P.O. Box 12548 (MC-009) Austin, Texas 78711 Telephone: (512) 936-2275 Kathleen.hunker@oag.texas.gov Aaron.barnes@oag.texas.gov</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">ORAL DEPOSITION OF KRISTI HART</p> <p style="text-align: center;">June 30, 2022</p> <p>-----</p> <p>Oral deposition of KRISTI HART, produced as a witness at</p> <p>the instance of the plaintiffs, and duly sworn, was taken</p> <p>in the above-styled and numbered cause on the 30th day of</p> <p>June, 2022, before Patrick Stephens, Certified</p> <p>Court Reporter, at the William P. Clements Building,</p> <p>10th Floor Conference Room, 300 W. 15th Street,</p> <p>Austin, Texas 78701.</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">A P P E A R A N C E S (Cont.)</p> <p>ALSO PRESENT:</p> <p>ADAM BITTER, ESQ., General Counsel ZAC RHINES, ESQ., Assistant General Counsel Office of the Secretary of State Capitol Building, Rm 1E.8 P.O. Box 12697 Austin, Texas 78711 Telephone: (512) 475-2813 abitter@sos.texas.gov zrhines@sos.texas.gov</p> <p>ALSO PRESENT VIA ZOOM:</p> <p>Georgina Yeomans, Legal Defense Fund Leigh Tognetti, ADA Hidalgo County Chuck Roberts, Republican Committees Victoria Giese, Butler Snow Law Firm Wendy Olson, Stoel Rives LLP Barbara Nicholas, Scarpello Law Firm</p>

Kristi Hart

June 30, 2022
Pages 6 to 9

Page 6			Page 8		
I N D E X			P R O C E E D I N G S		
1	APPEARANCES	04	1	COURT REPORTER: Good morning. Today's date is	
2	KRISTI HART		2	June 30, 2022. The time is 9:07 a.m. We're here for the oral	
3	Cross-Examination by Ms. Yun	09	3	deposition of Ms. Kristi Hart. Would counsel please introduce	
4	Cross-Examination by Mr. Bieter	140	4	themselves for the record?	
5			5	MS. HUNKER: My name is Kathleen Hunker. I'm	
6			6	with the Texas Attorney General's Office representing the State	
7			7	defendants. Accompanying me are my colleagues, Aaron Barnes as	
8			8	well as Ali Thorburn. Also with us today is two attorneys from	
9			9	the Secretary of State's Office, Adam Bitter and Zac Rhines.	
10			10	MS. YUN: Jennifer Yun on behalf of the	
11			11	United States.	
12			12	MR. DELLHEIM: Richard Dellheim on behalf of the	
13	Reporter's Certificate	168	13	United States.	
14			14	MR. STEWART: Michael Stewart for the	
15			15	United States.	
16			16	MR. BIETER: Mark Bieter for the	
17			17	Mi Familia Vota plaintiff.	
18			18	COURT REPORTER: All right. Great. Ms. Hart,	
19			19	would you raise your right hand for me?	
20			20	THE WITNESS: (Complies with request.)	
21			21	COURT REPORTER: Do you solemnly swear or affirm	
22			22	the testimony you'll give will be the truth, the whole truth	
23			23	and nothing but the truth, so help you God?	
24			24	THE WITNESS: I do.	
25			25		

Page 7			Page 9		
E X H I B I T S			COURT REPORTER: Okay. Great. You may take		
1			1	over.	
2			2	(Whereupon,	
3	NO. DESCRIPTION	PAGE	3	KRISTI HART	
4	1 Presentation	16	4	was called as a witness herein and, having first been	
5	2 E-mail	22	5	duly sworn, was examined and testifies as follows on:)	
6	3 DPS Document	46	6	CROSS-EXAMINATION	
7	4 Jury Presentation	51	7	BY MS. YUN:	
8	5 Ultrasensitive Document (1)	62	8	Q Good morning, Ms. Hart.	
9	6 Ultrasensitive Document (2)	65	9	A Good morning.	
10	7 Ultrasensitive Document (3)	70	10	Q My name is Jennifer Yun from the Department of	
11	8 Ultrasensitive Document (4)	73	11	Justice, and thank you for being here with us this morning.	
12	9 E-mail	78	12	And if you can't hear me very well, just let me know and I'll	
13	10 E-mail	81	13	speak up. Could you please state your name for the record one	
14	11 Ultrasensitive Document (5)	109	14	more time?	
15	12 E-mail	124	15	A Kristi Hart.	
16	13 Spreadsheet	129	16	Q Before we do anything else, I want to make sure that	
17	14 Defendant's Objections	133	17	we can have a smooth deposition. Have you been deposed before?	
18	15 Ultrasensitive Document (6)	137	18	A Yes.	
19	16 E-mail	142	19	Q How many times?	
20	17 PowerPoint	145	20	A Once.	
21	18 PowerPoint (2)	150	21	Q When was that?	
22	19 E-mail	153	22	A 2020.	
23	20 E-mail	155	23	Q Okay. So not too long ago.	
24	21 E-mail	159	24	A Not too long ago.	
25	22 E-mail	161	25	Q So, as you might remember, here are some ground rules	

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Pages 22 to 25

<p style="text-align: right;">Page 22</p> <p>1 A It's an E-mail.</p> <p>2 Q And you received this E-mail; correct?</p> <p>3 A Based on what's here. I -- I don't remember this</p> <p>4 E-mail. I don't recall this specifically.</p> <p>5 Q Okay. Who is Lillian Eder?</p> <p>6 A She's a member of the voter-registration team.</p> <p>7 Q So she still is employed by the Secretary of State's</p> <p>8 office.</p> <p>9 A Yes.</p> <p>10 Q And she still reports to you?</p> <p>11 A I'm sorry?</p> <p>12 Q She still reports to you?</p> <p>13 A Yes.</p> <p>14 Q So recognizing that the attachment of this E-mail</p> <p>15 that I handed you appears to be a draft that Ms. Eder drafted</p> <p>16 for your review, I wanted to ask you a couple of questions. So</p> <p>17 if you are to go to the attachment, under the second bullet, it</p> <p>18 says: Process the following files for the counties to receive</p> <p>19 notifications. And under that, it says: TDL mismatch. Do you</p> <p>20 know what that means?</p> <p>21 A We have a process in our system that when a voter</p> <p>22 registration is entered into the system and the county enters</p> <p>23 that that it will compare that to the DPS database, and if</p> <p>24 there's a mismatch of information, then that is sent to us and</p> <p>25 we send that to the counties for review.</p>	<p style="text-align: right;">Page 24</p> <p>1 under what we were just looking at on this document, it says:</p> <p>2 TX online applications. Could you explain what that is?</p> <p>3 A Those are records that -- where a -- it's an</p> <p>4 application hosted by DIR on our Texas.gov website where a</p> <p>5 voter can go in and do a name change or an address change, and</p> <p>6 those are sent to our office in a batch process on a nightly</p> <p>7 basis.</p> <p>8 Q Sorry. Could you repeat that? Batch process?</p> <p>9 A They come in to us once a night --</p> <p>10 Q Uh-huh, once a night.</p> <p>11 A -- and we process those out.</p> <p>12 Q And a few rows -- a few lines down, it says:</p> <p>13 Poss ble duplicates. What is that referencing?</p> <p>14 A We have a validation process that -- that we run. We</p> <p>15 also have information that we receive from ERIC, the Electronic</p> <p>16 Registration Information system [sic], that identifies possible</p> <p>17 duplicates and we provide those to the counties as well.</p> <p>18 Q So are these duplicates -- could you explain where</p> <p>19 those duplicates are located? So, you know, one -- one copy</p> <p>20 here and another copy there. What are those locations?</p> <p>21 MS. HUNKER: Objection, form; vague, ambiguous.</p> <p>22 BY THE WITNESS (resuming):</p> <p>23 A I don't --</p> <p>24 Q Let me try it --</p> <p>25 A -- understand what you're asking.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q So when that happens, you do not update what is in</p> <p>2 the TEAM system, you just flag it and send it back to the</p> <p>3 county; is that right?</p> <p>4 A Our office is responsible for providing that</p> <p>5 information to the counties, but the counties have their --</p> <p>6 they're respons ble for the voter registration in their</p> <p>7 counties, so they're the ones that would make any update to the</p> <p>8 information.</p> <p>9 Q I see. So when you are -- when you're reviewing this</p> <p>10 information and trying to match with the DPS data, that means</p> <p>11 that the counties have already entered that information into</p> <p>12 the TEAM system. Is that -- am I understanding that correctly?</p> <p>13 A Yes, but just for clarification there, we don't</p> <p>14 review the data; we review the -- the record -- or the</p> <p>15 mismatched record and we simply provide that to the appropriate</p> <p>16 county.</p> <p>17 Q And you made a distinction between record and data</p> <p>18 here. Could you just explain that distinction to me?</p> <p>19 A A record contains data, but I think I just wanted to</p> <p>20 clarify that it's a single record and the data within that</p> <p>21 record related to that voter registration.</p> <p>22 Q So that record means a voter-registration record for</p> <p>23 a single voter. Am I understanding that correctly?</p> <p>24 A Each record would represent a single voter.</p> <p>25 Q Understood. Thank you. And the third sub-bullet</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Let me try again. So let's start with ERIC.</p> <p>2 A Okay.</p> <p>3 Q So when you discover a duplicate, that means that</p> <p>4 there is another record that is the same as the first record</p> <p>5 somewhere else in the system within the same -- within the TEAM</p> <p>6 system. Is that what you mean by duplicates?</p> <p>7 MS. HUNKER: Objection, form.</p> <p>8 BY THE WITNESS (resuming):</p> <p>9 A It doesn't mean that they are the same as, it means</p> <p>10 they're possibly, based on whatever criteria is used to do the</p> <p>11 comparison. So if they're the same as, then we send those to</p> <p>12 the county voter registrars again to review and make those</p> <p>13 determinations, yes.</p> <p>14 Q So potential duplicates within the TEAM system. Is</p> <p>15 that a fair description?</p> <p>16 A Yes.</p> <p>17 Q Great. Thank you. And two lines down from that on</p> <p>18 the same document, it says: Export files to the CDW for</p> <p>19 off-line counties. To start off, what is an off-line county?</p> <p>20 A It is a county that maintains their own</p> <p>21 voter-registration system. So we have some of those in Texas,</p> <p>22 and this is referencing the interface that we have with those</p> <p>23 counties and their systems.</p> <p>24 Q And why are some counties off-line and some counties</p> <p>25 not off-line?</p>

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Pages 30 to 33

<p style="text-align: right;">Page 30</p> <p>1 Objection, compound.</p> <p>2 BY THE WITNESS (resuming):</p> <p>3 A Yes.</p> <p>4 Q Could you explain what that might be?</p> <p>5 A Well, for this particular process, you could have</p> <p>6 first name, last name, Texas driver's license or you could have</p> <p>7 first name, last name, the last four digits and date of birth</p> <p>8 or you could have first name, last name and a full nine. So if</p> <p>9 I understood your question, you're asking do they all have to</p> <p>10 be there for this particular process to identify a weak match,</p> <p>11 no.</p> <p>12 Q Okay. I appreciate that. My question was -- I think</p> <p>13 I wasn't very clear with my question, so let me -- so what I</p> <p>14 was asking is that if you don't have any of those three numbers</p> <p>15 matching, none of them -- so, for example, if it's first name,</p> <p>16 last name, residential address -- could that possibly be</p> <p>17 flagged as a weak match? But their -- their driver's license</p> <p>18 numbers don't match, their Social Security numbers don't match.</p> <p>19 A For this particular process, I do not believe so, but</p> <p>20 I would have to -- I'd have to review that to give you a firm</p> <p>21 answer.</p> <p>22 Q So we will talk about some of these processes a</p> <p>23 little more in depth later, but for now, are there any other</p> <p>24 responsibilities of the voter-registration team that are not</p> <p>25 reflected in either of the documents that I handed to you?</p>	<p style="text-align: right;">Page 32</p> <p>1 A So we have information that comes to us from DPS,</p> <p>2 Department of Public Safety. We have several processes that</p> <p>3 come from them to us in an electronic file through a secure</p> <p>4 transfer and then we also receive information from our DIR</p> <p>5 vendor for the Texas online application that we spoke about</p> <p>6 earlier in terms of changes or updates to a voter-registration</p> <p>7 record and then we have manual data entry at the counties.</p> <p>8 Q So the manual entry portion of it only happens at the</p> <p>9 county level; is that correct?</p> <p>10 A Yes.</p> <p>11 Q And I didn't quite catch the vendor name for the</p> <p>12 Texas online portion of that. Is that a different vendor than</p> <p>13 Civix?</p> <p>14 A Yes. That's through the Texas.gov website, and</p> <p>15 that's a DIR vendor --</p> <p>16 Q And --</p> <p>17 A -- and I believe it's Deloitte.</p> <p>18 Q And could you just explain what DIR stand for?</p> <p>19 A The Department of Information Resources.</p> <p>20 Q And in terms of the data transfer between DPS and the</p> <p>21 TEAM system, did the manner of that transfer change over time?</p> <p>22 A I can't speak to that.</p> <p>23 Q How does TEAM determine whether a voter registration</p> <p>24 is for a new voter or an update of an existing record?</p> <p>25 MS. HUNKER: Objection, form.</p>
<p style="text-align: right;">Page 31</p> <p>1 A I can't list them off the top of my head, but I'm</p> <p>2 absolutely certain there are other responsibilities that are</p> <p>3 not listed on these two sheets.</p> <p>4 MS. HUNKER: And I'm going to object as -- for</p> <p>5 speculation.</p> <p>6 BY MS. YUN (resuming):</p> <p>7 Q Okay. So let's talk a little bit more in detail</p> <p>8 about your office's maintenance of the TEAM system. And we're</p> <p>9 done with the exhibits for now.</p> <p>10 A Okay.</p> <p>11 Q So how is data generally entered into the TEAM</p> <p>12 system?</p> <p>13 MS. HUNKER: Objection, form; vague, ambiguous.</p> <p>14 BY THE WITNESS (resuming):</p> <p>15 A When you say entered into, I believe that would only</p> <p>16 include manual entry. You're saying entered into the system.</p> <p>17 Of course we also have several electronic processes, but that's</p> <p>18 not directly entered manual data entry.</p> <p>19 Q Okay. So maybe my parlance was not exactly correct,</p> <p>20 but could you -- so could you explain those electronic</p> <p>21 processes? And you can use a different verb other than entered</p> <p>22 to explain what you meant by that.</p> <p>23 A Sure. We -- we -- and can I ask specifically -- are</p> <p>24 you talking about voter registrations?</p> <p>25 Q Yes, exactly.</p>	<p style="text-align: right;">Page 33</p> <p>1 BY THE WITNESS (resuming):</p> <p>2 A If it's coming in, then obviously the first thing is</p> <p>3 we look to see if there's an existing record, so we match to</p> <p>4 our current voter registration list. If not, then obviously it</p> <p>5 would be a new registrant, but it depends on where it's coming</p> <p>6 from. So if it's coming from DPS, it's sent to us</p> <p>7 acknowledging that this is an initial registration because</p> <p>8 that's something the voter, I believe, puts in their online</p> <p>9 process, but obviously, if we do a manual entry for something,</p> <p>10 we check to see if there's already a record there.</p> <p>11 Q Are any particular fields used to check whether there</p> <p>12 is an existing record?</p> <p>13 A Are you talking about manual entry? I'm trying to --</p> <p>14 Q Yes, manual entry first, yeah.</p> <p>15 A Sure. We have a -- first of all, they enter exactly</p> <p>16 what's on the voter-registration application, and so once that</p> <p>17 goes in, it does have first name, last name, date of birth.</p> <p>18 They can put in their Texas driver's license; they can put in</p> <p>19 last four of their social on that information. We do check</p> <p>20 that against DPS to make sure that those things match if it is</p> <p>21 an initial registrant and then we also check that within our</p> <p>22 system to make sure that there's not already a registration</p> <p>23 there.</p> <p>24 Q So if any of those numbers are given, the Texas</p> <p>25 driver's license number or the last four digits of social, you</p>

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<p style="text-align: right;">Page 38</p> <p>1 match it with what's there based on the criteria set for that</p> <p>2 particular process, and then if there's nothing there, it goes</p> <p>3 as a new registrant.</p> <p>4 Q So we talked about the duplicate process a little bit</p> <p>5 earlier, and you said that that was an annual process; right?</p> <p>6 A I'm sorry. I didn't hear.</p> <p>7 Q We talked about the duplicate batch process earlier,</p> <p>8 and am I remembering correctly that you said it was an annual</p> <p>9 process?</p> <p>10 A Yes.</p> <p>11 Q And so each year you run the process, and if there</p> <p>12 are any possible duplicates, you send those on to the counties</p> <p>13 to process.</p> <p>14 A Yes.</p> <p>15 Q And what are some scenarios -- how do duplicates get</p> <p>16 created?</p> <p>17 MS. HUNKER: Objection, form.</p> <p>18 BY THE WITNESS (resuming):</p> <p>19 A I'm sorry. I couldn't hear you.</p> <p>20 Q Oh. How do -- how -- why are there some duplicates</p> <p>21 in the TEAM system? Like, what are some ways in which those</p> <p>22 get created and then they get flagged and then processed?</p> <p>23 MS. HUNKER: Objection, form; ambiguous; calls</p> <p>24 for speculation.</p> <p>25 BY THE WITNESS (resuming):</p>	<p style="text-align: right;">Page 40</p> <p>1 do our checks on the system for that.</p> <p>2 Q When you say data entry, you mean when someone is</p> <p>3 manually entering something.</p> <p>4 A Yes.</p> <p>5 Q How common, if you know, are errors in the TEAM</p> <p>6 system that are due to inaccurate data entry?</p> <p>7 MS. HUNKER: Objection, form; outside of</p> <p>8 personal knowledge, calls for speculation.</p> <p>9 BY THE WITNESS (resuming):</p> <p>10 A I don't know. It's not information I could give you</p> <p>11 off the top of my head.</p> <p>12 Q Do you know if data entry errors occur with greater</p> <p>13 frequency in some places than others?</p> <p>14 MS. HUNKER: Objection, form; calls for</p> <p>15 speculation, outside of personal knowledge.</p> <p>16 BY THE WITNESS (resuming):</p> <p>17 A And I don't know what you mean by, In some places</p> <p>18 greater than others.</p> <p>19 Q Say, some counties than others.</p> <p>20 MS. HUNKER: Objection, form --</p> <p>21 BY THE WITNESS (resuming):</p> <p>22 A Oh. No.</p> <p>23 MS. HUNKER: -- calls for speculation --</p> <p>24 BY THE WITNESS (resuming):</p> <p>25 A No --</p>
<p style="text-align: right;">Page 39</p> <p>1 A Yeah. I don't know that I can give specific examples</p> <p>2 of that.</p> <p>3 Q And do you know when the duplicate batch process, the</p> <p>4 annual process, started happening with the TEAM system?</p> <p>5 A It was prior to my time. I do not know.</p> <p>6 Q And is the annual nature of it, is that required by a</p> <p>7 regulation or a state law provision? Do you know?</p> <p>8 A I do not recall. I don't know that the annual is</p> <p>9 part of a requirement, but we are required, yes, to conduct a</p> <p>10 comparative analysis of the system.</p> <p>11 Q Are there any circumstances that might create</p> <p>12 multiple TEAM records that pertain to one Texas voter?</p> <p>13 MS. HUNKER: Objection, form; vague; calls for</p> <p>14 speculation, outside of personal knowledge.</p> <p>15 BY THE WITNESS (resuming):</p> <p>16 A Can you repeat that again?</p> <p>17 Q Yeah. Are there any circumstances that you're aware</p> <p>18 of that might create multiple TEAM records that pertain to one</p> <p>19 single individual Texas voter?</p> <p>20 MS. HUNKER: Same objection.</p> <p>21 BY THE WITNESS (resuming):</p> <p>22 A I can't think of any particularly, if you're asking</p> <p>23 for a specific example of that. I mean, I think -- I think you</p> <p>24 do have to look at data entry as a possibility or different</p> <p>25 information actually provided. But, again, that's why we -- we</p>	<p style="text-align: right;">Page 41</p> <p>1 MS. HUNKER: -- outside of personal knowledge.</p> <p>2 BY THE WITNESS (resuming):</p> <p>3 A -- I'm not aware that there's a distinction there.</p> <p>4 Q So I think you mentioned -- you referenced some of</p> <p>5 this earlier in your testimony. So you mentioned a validation</p> <p>6 process of data. Could you explain what you meant by that?</p> <p>7 A Well, the duplicate batch process would be an example</p> <p>8 of that where, you know, we run information and, again, provide</p> <p>9 that to the counties for them to review. You know, it's --</p> <p>10 that would be an example if -- that I referenced earlier.</p> <p>11 Q Are there other examples?</p> <p>12 A We do have information that we get from ERIC that is</p> <p>13 looking at records within our system and providing back things</p> <p>14 that may look -- that need deeper investigation, if you will,</p> <p>15 and we provide those to the counties as well.</p> <p>16 Q And could you explain -- well, could you spell out</p> <p>17 what ERIC stands for first and then I can ask another question.</p> <p>18 A I think I did earlier.</p> <p>19 Q Oh.</p> <p>20 A The Electronic Registration Information Center.</p> <p>21 Q Oh, okay. Sorry, sorry. I didn't catch that. And</p> <p>22 where is that system? Sorry -- strike that. Where is ERIC's</p> <p>23 information coming from?</p> <p>24 MS. HUNKER: Objection, form; calls for</p> <p>25 speculation, outside of personal knowledge. Also ambiguous as</p>

EXHIBIT

104

Transcript of the Testimony of
Pamiel Gaskin

Date:

June 29, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF OCA-GREATER HOUSTON:</p> <p>4 ACLU TEXAS</p> <p>5 P.O. Box 8306</p> <p>6 Houston, Texas 77288</p> <p>7 512.983.0775</p> <p>8 aharris@aclutx.org</p> <p>9 Represented by: Ms. Ashley Harris</p> <p>10 ***</p> <p>11 ON BEHALF OF TEXAS CIVIL RIGHTS PROJECT ON BEHALF OF</p> <p>12 PAMIEL GASKIN:</p> <p>13 TEXAS CIVIL RIGHTS PROJECT</p> <p>14 1405 Montopolis Drive</p> <p>15 Austin, Texas 78741</p> <p>16 512.474.5073</p> <p>17 zachary@texascivilrightsproject.org</p> <p>18 Represented by: Mr. Zachary Dolling</p> <p>19 ***</p> <p>20 ON BEHALF OF STATE DEFENDANTS:</p> <p>21</p> <p>22 OFFICE OF THE ATTORNEY GENERAL</p> <p>23 SPECIAL LITIGATION UNIT</p> <p>24 P.O. Box 12548, Capitol Station</p> <p>25 Austin, Texas 78711</p> <p>512.936.2567</p> <p>jack.disorbo@oag.state.tx.us</p> <p>Represented by: Mr. Jack DiSorbo</p> <p>Mr. Zachary Berg</p> <p>***</p> <p>ON BEHALF OF YSABEL RAMON:</p> <p>HIDALGO COUNTY DISTRICT ATTORNEY'S OFFICE</p> <p>100 E. Cano, Courthouse Annex III, 1st Floor</p> <p>Edinburg, Texas 78359</p> <p>956.292.7609</p> <p>leigh.tognetti@da.co.hidalgo.tx.us</p> <p>Represented by: Ms. Leigh Tognetti - via Zoom</p>	<p>1 INDEX</p> <p>2 ORAL DEPOSITION OF</p> <p>3 PAMIEL J. GASKIN, JUNE 29, 2022</p> <p>4 Page</p> <p>5 BY MR. DiSORBO..... 6</p> <p>6</p> <p>7 Start time - 9:25 a.m. End time - 12:18 p.m.</p> <p>8 Total pages: 127</p> <p>9</p> <p>10</p> <p>11 REPORTER CERTIFICATION..... 127</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 ON BEHALF OF UNITED STATES OF AMERICA:</p> <p>2 DEPARTMENT OF JUSTICE</p> <p>3 Civil Rights Division, Voting Section</p> <p>4 Washington, DC 20530</p> <p>5 202.353.5373</p> <p>6 dana.paikowsky@usdoj.gov</p> <p>7 Represented by: Ms. Dana Paikowsky</p> <p>8 ***</p> <p>9 ON BEHALF OF HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE:</p> <p>10 BUTLER SNOW LLP</p> <p>11 1400 Lavaca Street, Suite 1000</p> <p>12 Austin, Texas 78701</p> <p>13 737.802.1800</p> <p>14 victoria.giese@butlersnow.com</p> <p>15 Represented by: Ms. Victoria A. Giese - via Zoom</p> <p>16</p> <p>17 ON BEHALF OR INTERVENOR DEFENDANTS:</p> <p>18</p> <p>19 JONES DAY</p> <p>20 51 Louisiana Avenue, NW</p> <p>21 Washington, DC 20001</p> <p>22 202.879.3667</p> <p>23 skenny@jonesday.com</p> <p>24</p> <p>25 Represented by: Stephen Kenny - via Zoom</p> <p>ALSO PRESENT VIA ZOOM:</p> <p>Kenny Buser-Clancy</p> <p>Tiffany Bingham - Harris County</p> <p>Savannah Kumar</p> <p>Barbara Nicholas - Scarpello & Creuzot</p>	<p>1 EXHIBIT INDEX</p> <p>2 ORAL DEPOSITION OF</p> <p>3 PAMIEL J. GASKIN, JUNE 29, 2022</p> <p>4 Description Page</p> <p>5 ***Introduced ONLY</p> <p>6 Exhibit C How Texas officials and 105</p> <p>7 voting groups are trying to</p> <p>8 limit mail ballot rejections</p> <p>9</p> <p>10 Exhibit E Gaskin Twitter profile..... 115</p> <p>11</p> <p>12 Exhibit F Gaskin interview picture..... 118</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Pamiel Gaskin

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<p style="text-align: right;">Page 6</p> <p>1 PAMIEL J. GASKIN, 2 having been first duly sworn, testified as follows: 3 E X A M I N A T I O N 4 BY MR. DiSORBO: 5 Q. Good morning, Ms. Gaskin. My name is 6 Jack DiSorbo. This is Zachary Berg, on behalf of 7 the State. 8 MR. DiSORBO: Do the other attorneys 9 want to state their appearance real quick? 10 Okay. 11 Q. (BY MR. DiSORBO) Okay. So will you 12 please state and spell your name for the record, 13 ma'am. 14 A. My name is Pamiel, P-A-M-I-E-L, Johnson 15 Gaskin, G-A-S-K-I-N. 16 Q. Okay. Now, what is your race, ma'am? 17 A. African-American. 18 Q. Okay. Do you understand that you're 19 under oath today? 20 A. I do understand that. 21 Q. And because you're under oath, do you 22 understand that you have to answer my questions 23 truthfully? 24 A. Yes. 25 Q. Okay. And do you understand that this</p>	<p style="text-align: right;">Page 8</p> <p>1 Now, are you aware of anything that 2 would affect your testimony today? 3 Let me rephrase the question. 4 Are you aware of anything that would 5 prevent you from being able to give accurate and 6 honest testimony today? 7 A. No. 8 Q. Not under drugs or alcohol or anything 9 like that? 10 A. No. 11 Q. And that is just a standard question I 12 ask everybody, not -- 13 A. No. 14 Q. How did you prepare for this deposition? 15 A. Prepare? 16 Q. Yes, ma'am. 17 A. I didn't really do any preparation other 18 than I had a -- I did have a conversation with the 19 attorneys. 20 Q. With the attorneys. 21 So you had one meeting with the 22 attorneys? 23 A. One meeting. 24 Q. And who was in that meeting? 25 A. Ashley and Dana.</p>
<p style="text-align: right;">Page 7</p> <p>1 testimony is being recorded? 2 A. I do. 3 Q. Okay. And so have you ever given a 4 deposition before? 5 A. I have. 6 Q. You have. 7 How many times? 8 A. Twice. 9 Q. And what was the nature of those 10 depositions? 11 A. It was over 30 years ago, in a rate 12 case. I worked for AT&T, and we had a rate case 13 before the State. 14 Q. Okay. Were both of those rate cases? 15 A. Yes. 16 Q. Both of the depositions, I mean? 17 A. Both depositions were in rate cases. 18 Q. Thank you. 19 And so since you've given a 20 deposition before, you understand that for the court 21 reporter you'll need to give verbal answers like 22 "yes" or "no" instead of shaking or nodding your 23 head. Does that make sense? 24 A. Yes, it does. 25 Q. Thank you, ma'am.</p>	<p style="text-align: right;">Page 9</p> <p>1 THE WITNESS: Zach, were you there? 2 No. 3 A. He's a guy. 4 Q. (BY MR. DiSORBO) About how long did 5 that meeting last? 6 A. Less than an hour. 7 Q. Less than an hour. Okay. 8 So you've said you've given two 9 depositions before. Have you ever testified in 10 court before? 11 A. No. 12 Q. Have you ever testified in any other 13 sort of proceeding, like before the legislature or 14 something like that? 15 A. I have. 16 Q. And when was that? 17 A. In the early '90s. 18 Q. And what did you testify about? 19 A. The State was trying to change the names 20 of certain cities in Texas, and I went to testify to 21 request that they not change the name of my maternal 22 grandmother's birthplace. 23 Q. And where is that? 24 A. Nigton, Texas. 25 Q. Nigton?</p>

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<p style="text-align: right;">Page 18</p> <p>1 during the special session. Do you understand that,</p> <p>2 ma'am?</p> <p>3 A. I understand that.</p> <p>4 Q. Okay. Thank you.</p> <p>5 Now, do you understand that the</p> <p>6 United States and OCA Greater Houston are plaintiffs</p> <p>7 in this case?</p> <p>8 A. I don't know what OCA Houston is.</p> <p>9 Q. Okay. I'll move on. It's not</p> <p>10 important.</p> <p>11 Do you understand that you were</p> <p>12 disclosed as a potential witness in this case?</p> <p>13 A. I do understand that.</p> <p>14 Q. Do you know why that was done?</p> <p>15 A. Because I had some issues with my</p> <p>16 attempts to -- to receive my application for a</p> <p>17 mail-in ballot.</p> <p>18 Q. Any other reasons that you're aware of?</p> <p>19 A. No.</p> <p>20 Q. Okay. Now, I'm glad that you mentioned</p> <p>21 that, ma'am, because I do want to talk about that a</p> <p>22 little bit. But I have a few preliminary questions</p> <p>23 first.</p> <p>24 A. Okay.</p> <p>25 Q. Now, are you registered to vote?</p>	<p style="text-align: right;">Page 20</p> <p>1 school. He called me. He said, "For your birthday,</p> <p>2 I'm going to come get you. Give me your schedule,</p> <p>3 your class schedule, and I'm going to come get you</p> <p>4 and get you registered to vote."</p> <p>5 So I told him what my class schedule</p> <p>6 was. He showed up on a Thursday afternoon, about 1</p> <p>7 o'clock. Drove me back to Galveston County.</p> <p>8 That morning -- next morning took me</p> <p>9 to register to vote, and drove me back to Austin</p> <p>10 that afternoon so I could go to my 1 o'clock class.</p> <p>11 Q. That's great.</p> <p>12 Do you remember what class it was?</p> <p>13 A. No. No. No. I'm 75. That was -- I</p> <p>14 was 21 then.</p> <p>15 Q. Sometimes when you've got great stories</p> <p>16 like that, you remember random details, that sort of</p> <p>17 thing.</p> <p>18 A. That's not a detail I remember.</p> <p>19 Q. Well, that's a long drive from Austin to</p> <p>20 Galveston.</p> <p>21 A. Yeah.</p> <p>22 Q. Now, you said that you voted in the</p> <p>23 March 2022 primary; correct?</p> <p>24 A. I did.</p> <p>25 Q. Okay. Now, I understand you had some</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I am.</p> <p>2 Q. Where?</p> <p>3 A. Fort Bend County.</p> <p>4 Q. Fort Bend County.</p> <p>5 Have you ever always been registered</p> <p>6 there?</p> <p>7 A. Well, since I lived there in -- since 46</p> <p>8 years.</p> <p>9 Q. Have you ever been registered anywhere</p> <p>10 else?</p> <p>11 A. I was registered in Harris County prior</p> <p>12 to that.</p> <p>13 Q. Harris County.</p> <p>14 A. And Galveston County prior to that.</p> <p>15 Q. And Galveston County. Okay.</p> <p>16 And I think I remember reading some</p> <p>17 great story about the first time that you registered</p> <p>18 to vote in Galveston County. I think your father</p> <p>19 drove you to get registered there, something like</p> <p>20 that?</p> <p>21 A. He did.</p> <p>22 Q. Tell me a little bit about that.</p> <p>23 A. You had to be 21 to vote at that time.</p> <p>24 Q. Okay.</p> <p>25 A. My birthday is in March; so I was in</p>	<p style="text-align: right;">Page 21</p> <p>1 trouble voting in that election; correct?</p> <p>2 A. I did.</p> <p>3 Q. Now, in your own words, can you tell me</p> <p>4 about what happened.</p> <p>5 A. Sure. In Texas you have to apply every</p> <p>6 year for a mail-in ballot. So part of my just</p> <p>7 general housekeeping is that I take care of those</p> <p>8 types of things the first week of the month --</p> <p>9 Q. Okay.</p> <p>10 A. -- of January.</p> <p>11 So on or about January 3rd, I pulled</p> <p>12 out -- I went to Fort Bend County's website. Pulled</p> <p>13 down the application to vote by mail for both me and</p> <p>14 my husband. Pulled them down. Filled them out. We</p> <p>15 signed them. Well -- and I mailed it in. Mailed</p> <p>16 them in.</p> <p>17 And about ten days later, I got a</p> <p>18 letter saying that, through no fault of mine, my</p> <p>19 application had been rejected.</p> <p>20 So I called the election office and</p> <p>21 spoke with Veronica -- Veronica Fernandez, who is</p> <p>22 the early voting clerk. They don't have -- it's not</p> <p>23 a big office. And she said I had used the wrong</p> <p>24 form.</p> <p>25 I said, "Well, Veronica, I got the</p>

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<p style="text-align: right;">Page 22</p> <p>1 form from you guys."</p> <p>2 She said, "Well, the Secretary of</p> <p>3 State didn't send us the right forms in time, and we</p> <p>4 didn't populate the correct form until around the</p> <p>5 6th of January."</p> <p>6 I said, "Okay. Is the correct form</p> <p>7 there now?"</p> <p>8 She said, "Yes."</p> <p>9 So I pulled the correct form down.</p> <p>10 Filled it out. Mailed it in. And I had just -- it</p> <p>11 was -- this was on the 13th.</p> <p>12 On the 20th, I had just finished a</p> <p>13 League of Women Voters activity, and I was on my way</p> <p>14 home. And Veronica called me and said, "Don't shoot</p> <p>15 the messenger. Your application has been rejected."</p> <p>16 I said, "For what?"</p> <p>17 She said, "You didn't put the</p> <p>18 correct ID on your application."</p> <p>19 I said, "Veronica, what do you mean</p> <p>20 I didn't put the right ID? It asks for my driver's</p> <p>21 license number, and that's what I put on there."</p> <p>22 She says, "Well" --</p> <p>23 I said, "What was I supposed to put</p> <p>24 on it?"</p> <p>25 She said, "Well, I can't tell you,</p>	<p style="text-align: right;">Page 24</p> <p>1 And on the 28th of January -- no,</p> <p>2 the 31st of January, I got my ballots in the mail.</p> <p>3 28 days, three tries.</p> <p>4 Q. And then you submitted those ballots</p> <p>5 correctly --</p> <p>6 A. I did.</p> <p>7 Q. -- correct? Yeah.</p> <p>8 And did you track those ballots</p> <p>9 after you submitted them?</p> <p>10 A. I did.</p> <p>11 Q. Where did you track them?</p> <p>12 A. On ballot tracker. You go to the County</p> <p>13 site, and it's a little thing you click on that says</p> <p>14 "Track my ballot."</p> <p>15 Q. And I guess it lets you know once the</p> <p>16 ballot's been accepted?</p> <p>17 A. It tells you. You can see when it was</p> <p>18 saved; you can see when it was accepted; and you can</p> <p>19 see -- they use a funny term for it being processed.</p> <p>20 And I don't remember what it is. But you can tell</p> <p>21 when it's being processed.</p> <p>22 Q. And your and your husband's votes were</p> <p>23 eventually processed; correct?</p> <p>24 A. Yes, they were.</p> <p>25 Q. Okay. Well, thank you for explaining</p>
<p style="text-align: right;">Page 23</p> <p>1 because if I do, I could go to jail because of the</p> <p>2 new law."</p> <p>3 And I said, "Well, obviously since</p> <p>4 you're only asking for two things, it must be my</p> <p>5 Social Security number." I said, "What number is</p> <p>6 it?"</p> <p>7 And she said, "It's the number you</p> <p>8 use when -- the ID you used when you first</p> <p>9 registered to vote that's in your voter record</p> <p>10 here."</p> <p>11 And I said, "Well, Veronica, I</p> <p>12 registered to vote 46 years ago in this county.</p> <p>13 What" -- so I said, "Okay. It could only be one of</p> <p>14 two things, since you're only asking for two things.</p> <p>15 "So is it my -- if I tell you what</p> <p>16 it is, can you confirm that?"</p> <p>17 She said, "Yes, I can do that."</p> <p>18 I said, "Okay. Is it my Social</p> <p>19 Security number?"</p> <p>20 She said, "Yes, it is."</p> <p>21 I said, "Thank you very much."</p> <p>22 I pulled down another form. And</p> <p>23 this time, leaving nothing to chance, everywhere</p> <p>24 there was a blank, even on the optional information,</p> <p>25 I filled it all in, and mailed it back on the 14th.</p>	<p style="text-align: right;">Page 25</p> <p>1 that to me. I want to ask a few questions just so I</p> <p>2 make sure I understand all of the details of it.</p> <p>3 So when your first -- your first</p> <p>4 application that was rejected, you received a notice</p> <p>5 in the mail from the County; correct?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And that first form was rejected because</p> <p>8 you had inadvertently used the wrong form; correct?</p> <p>9 A. No. I didn't inadvertently use the</p> <p>10 wrong form, because that would tend to -- I used the</p> <p>11 form that the County provided, and it was the wrong</p> <p>12 form.</p> <p>13 Q. Yes.</p> <p>14 A. It wasn't inadvertent on my part. I</p> <p>15 didn't have a choice either/or.</p> <p>16 Q. You used the only form that was on the</p> <p>17 website?</p> <p>18 A. I used the only form that was available</p> <p>19 to me, yes.</p> <p>20 Q. And the form that was available to you</p> <p>21 was incorrect?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay. You don't think the County</p> <p>24 purposely kept the old form on the website, do you?</p> <p>25 A. No.</p>

EXHIBIT

105

Roberto Benavides

March 30, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO
ENTERO, et al.

VS.

GREGORY W. ABBOTT, et al.

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Civil Action No.
5:51-cv-00844-XR

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERTO BENAVIDES
MARCH 30, 2023
(Reported Remotely)

ORAL AND VIDEOTAPED DEPOSITION of ROBERTO BENAVIDES, produced as a witness at the instance of the Defendants, and duly sworn, was taken remotely in the above-styled and numbered cause on the 30th day of March, 2023, between the hours of 9:03 a.m. and 11:06 a.m., before TRICIA FOX WILLIAMS, CSR, in and for the State of Texas, reported by machine shorthand, with the witness located in Austin, Texas, in accordance with the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Roberto Benavides

March 30, 2023
Pages 2 to 5

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<p>1 A P P E A R A N C E S (All appearances via videoconference)</p> <p>2</p> <p>3 COUNSEL FOR THE PLAINTIFFS:</p> <p>4 MS. VERONIKAH WARMS MR. ZACHARY DOLLING MR. HANI MIRZA Texas Civil Rights Project 1405 Montopolis Drive Austin, Texas 78741 (512)474-5073 veronikah@texascivilrightsproject.org</p> <p>8</p> <p>9 COUNSEL FOR THE PLAINTIFFS:</p> <p>10 MS. LUCIA ROMANO MR. PETER HOFER Disability Rights Texas 2222 W. Braker Lane Austin, Texas 78758-1024 (512)454-4816 lromano@drtx.org</p> <p>14</p> <p>15 COUNSEL FOR THE PLAINTIFFS:</p> <p>16 MS. DANA PAIKOWSKY US Department of Justice - Civil Rights Division 150 M Street NE Washington, DC 20002 (202)514-3847 dana.paikowsky@usdoj.gov</p> <p>19</p> <p>20 COUNSEL FOR THE DEFENDANTS:</p> <p>21 MR. DAVID BRYANT MR. ZACHARY BERG Office of the Texas Attorney General 300 W. 15th Street Austin, Texas 78701 (512)574-1514 david.bryant@oag.texas.gov zachary.berg@oag.texas.gov</p> <p>25</p>	<p>1 INDEX</p> <p>2 PAGE</p> <p>3 Appearances.....2-3</p> <p>4 ROBERTO BENAVIDES Examination by Mr. Bryant.....6</p> <p>5</p> <p>6 Signature and Changes.....58</p> <p>7</p> <p>8 Reporter's Certificate.....60</p> <p>9</p> <p>10 EXHIBIT INDEX</p> <p>11 NO. DESCRIPTION PAGE</p> <p>12 Exhibit 1- Subpoena to Testify at a Deposition in a Civil Action.....8</p> <p>13 Exhibit 2- OCA-Greater Houston and HAUL Plaintiffs' Sixth Supplemental Rule 26(a)(1) Initial Disclosures.....8</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 COUNSEL FOR THE DEFENDANTS:</p> <p>4 MS. LISA CUBRIEL Bexar County District Attorney's Office Civil Litigation PO Box 12548 Austin, Texas 78711-2548 (210)335-2311 lisa.cubriel@bexar.org</p> <p>7</p> <p>8 COUNSEL FOR THE DEFENDANTS:</p> <p>9 MS. JOSEPHINE RAMIREZ-SOLIS Hidalgo County District Attorney's Office 100 E. Cano Street Edinburg, Texas 78539-4582 (956)292-7609 josephine.ramirez@da.co.hidalgo.tx.us</p> <p>12</p> <p>13 COUNSEL FOR THE INTERVENOR DEFENDANTS:</p> <p>14 MR. STEPHEN KENNY Jones Day 51 Louisiana Avenue NW Washington, DC 20001 (202)879-3667 skenny@jonesday.com</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 MS. ROSIE JONES, Videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 THE VIDEOGRAPHER: We are now on the</p> <p>2 record. This begins videotape No. 1 in the deposition</p> <p>3 of Roberto Benavides in the matter of La Union Del</p> <p>4 Pueblo Entero, et al. V. Gregory W. Abbott, et al. in</p> <p>5 the United States District Court for the Western</p> <p>6 District of Texas. Today is March 30th, 2023, and the</p> <p>7 time is approximately 9:03 a.m.</p> <p>8 This deposition is being taken at</p> <p>9 Disability Rights Texas at the request of the Office of</p> <p>10 the Attorney General of Texas. The videographer is</p> <p>11 Rosie Jones of Magna Legal Services, and the court</p> <p>12 reporter is Tricia Williams of Magna Legal Services.</p> <p>13 Will counsel and all parties present state their</p> <p>14 appearances and whom they represent.</p> <p>15 MR. BRYANT: My name is David Bryant,</p> <p>16 along with Zachary Berg, I represent the state</p> <p>17 defendants in this case.</p> <p>18 MS. WARMS: Veronikah Warms with the Texas</p> <p>19 Civil Rights Project representing the OCA plaintiffs in</p> <p>20 this case, along with Zachary Dolling of the Texas Civil</p> <p>21 Rights Project --</p> <p>22 MS. PAIKOWSKY: This is Dana Paikowsky --</p> <p>23 MS. WARMS: -- representing the witness.</p> <p>24 Sorry.</p> <p>25 MS. PAIKOWSKY: This is Dana Paikowsky for</p>

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<p style="text-align: right;">Page 6</p> <p>1 the United States. Are we on the record right now? Can</p> <p>2 we go off the record one second?</p> <p>3 THE VIDEOGRAPHER: Yes. The time is</p> <p>4 9:04 a.m., we're off the record.</p> <p>5 (Break from 9:04 a.m. to 9:06 a.m.)</p> <p>6 THE VIDEOGRAPHER: Time is 9:06 a.m.,</p> <p>7 we're on the record. Will the court reporter please</p> <p>8 swear in the witness.</p> <p>9 THE REPORTER: My name is Tricia Williams,</p> <p>10 Texas CSR No. 8273, I am administering the oath and</p> <p>11 reporting the deposition remotely by stenographic means</p> <p>12 from my residence in New Braunfels, Texas. The witness</p> <p>13 is located in Austin, Texas. Mr. Benavides, will you</p> <p>14 raise your right hand?</p> <p>15 ROBERTO BENAVIDES,</p> <p>16 having been duly sworn, testified as follows:</p> <p>17 EXAMINATION</p> <p>18 BY MR. BRYANT:</p> <p>19 Q. Mr. Benavides, my name is David Bryant, I</p> <p>20 represent the state defendants in this action. What's</p> <p>21 your current residence address?</p> <p>22 A. 8010 Briarton Drive, Austin, Texas.</p> <p>23 Q. And how long has that been your address?</p> <p>24 A. Since 1997.</p> <p>25 Q. Your name was disclosed in this litigation as</p>	<p style="text-align: right;">Page 8</p> <p>1 been marked as, in a pretty primitive way, as State</p> <p>2 Exhibit 1 to your deposition.</p> <p>3 (Exhibit 1 marked for identification.)</p> <p>4 Q. (By Mr. Bryant) This is a copy of the subpoena</p> <p>5 that our office prepared and issued in connection with</p> <p>6 this case. Have you seen State Exhibit 1 before?</p> <p>7 A. No.</p> <p>8 Q. Did you -- were you advised that you were</p> <p>9 subpoenaed and requested to appear today?</p> <p>10 A. Not -- (inaudible.)</p> <p>11 (Reporter requests clarification.)</p> <p>12 A. You said was I subpoenaed?</p> <p>13 Q. (By Mr. Bryant) Yes.</p> <p>14 A. I wasn't subpoenaed, I was just asked to come</p> <p>15 and do a deposition.</p> <p>16 Q. Okay.</p> <p>17 THE WITNESS: Did you hear it that time?</p> <p>18 THE REPORTER: Yes, sir. Just try to</p> <p>19 speak up. Thank you.</p> <p>20 Q. (By Mr. Bryant) In any event, you're here, so</p> <p>21 we'll proceed with some questions. And I want to hand</p> <p>22 you also what's been marked as State Defendant's Exhibit</p> <p>23 2 in connection with this deposition.</p> <p>24 (Exhibit 2 marked for identification.)</p> <p>25 Q. (By Mr. Bryant) This is a document that was</p>
<p style="text-align: right;">Page 7</p> <p>1 someone who has potentially knowledge that's relevant to</p> <p>2 the case, and that's why we're here today. Have you</p> <p>3 given your deposition or testified in court before?</p> <p>4 A. Never have.</p> <p>5 Q. I'm going to be asking you a series of</p> <p>6 questions, the other attorneys will have a chance to ask</p> <p>7 you questions after I do. If at any time you don't</p> <p>8 understand my question, or have difficulty hearing me,</p> <p>9 or otherwise need me to repeat or clarify the question,</p> <p>10 please ask me to do so.</p> <p>11 Similarly, if at any time you need a break</p> <p>12 for the many reasons people can need breaks, please feel</p> <p>13 free to ask for one and you'll get it. I'll ask you</p> <p>14 questions as expeditiously as I can, but it may take a</p> <p>15 little while. And if you need breaks, please feel free</p> <p>16 to get it.</p> <p>17 Do you have any kind of difficulty with</p> <p>18 the English language? In my brief meeting with you, you</p> <p>19 don't -- you seem to have none whatsoever.</p> <p>20 A. No, I think I'm pretty good.</p> <p>21 Q. Okay. Do you have any other -- any health</p> <p>22 problems or any other conditions that would in any way</p> <p>23 affect your testimony here today?</p> <p>24 A. No.</p> <p>25 Q. Okay. Thank you. I want to hand you what's</p>	<p style="text-align: right;">Page 9</p> <p>1 prepared and provided to our office in connection with</p> <p>2 this litigation, and it's a listing of various people</p> <p>3 who likely have information that is subject to</p> <p>4 discovery. Do you see your name listed on page 5 of</p> <p>5 that document?</p> <p>6 A. I do, No. 12.</p> <p>7 Q. Okay. Did you have any input to this, or</p> <p>8 any --</p> <p>9 A. No, not at all.</p> <p>10 Q. Okay. What have you done, if anything, in</p> <p>11 preparation for your deposition here today?</p> <p>12 A. Nothing. Just met with the lawyers, that was</p> <p>13 about it.</p> <p>14 Q. Okay. What lawyers did you meet with?</p> <p>15 A. These three people right here.</p> <p>16 Q. Okay.</p> <p>17 A. Ms. Veronikah, Zach, and Dana.</p> <p>18 Q. Okay. When did you do that?</p> <p>19 A. Yesterday, or a couple days ago, and then we</p> <p>20 met for a little bit this morning.</p> <p>21 Q. Okay. In connection with that preparation, did</p> <p>22 you review any documents?</p> <p>23 A. No, not at all.</p> <p>24 Q. Okay. Now, today you heard the court reporter</p> <p>25 give you the oath requiring you to answer truthfully to</p>

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Pages 10 to 13

<p style="text-align: right;">Page 10</p> <p>1 the best of your ability.</p> <p>2 A. Right.</p> <p>3 Q. You understand that oath?</p> <p>4 A. Yes.</p> <p>5 Q. Do you understand that it's the same as if you</p> <p>6 were testifying in a courtroom in front of a judge or</p> <p>7 jury?</p> <p>8 A. I do.</p> <p>9 Q. Now, you mentioned that you live on Briarton</p> <p>10 Lane in Austin?</p> <p>11 A. Briarton Drive.</p> <p>12 Q. Briarton Drive.</p> <p>13 A. Uh-huh.</p> <p>14 Q. And who are the members of hour household</p> <p>15 there?</p> <p>16 A. I have an adult son that lives with us, his</p> <p>17 name is William Benavides. My wife just passed away</p> <p>18 last year, in October of last year, right when I was</p> <p>19 voting and stuff. And I did call the --</p> <p>20 Q. I'm sorry to hear that.</p> <p>21 A. You know, so it's just me and my son right now,</p> <p>22 and he kind of keep an eye on me, you know, because</p> <p>23 otherwise I'd be all by myself, me and the cat.</p> <p>24 Q. And I don't know whether you mentioned, how old</p> <p>25 is your adult son?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And is he employed?</p> <p>2 A. Yes.</p> <p>3 Q. And what's his job?</p> <p>4 A. He's apartment maintenance.</p> <p>5 Q. And looking back to the fall of 2022, did he</p> <p>6 have that job then as well?</p> <p>7 A. Similar to that. He worked for Angie's List</p> <p>8 doing, you know, maintenance work and stuff.</p> <p>9 Q. Typically home maintenance --</p> <p>10 A. Right.</p> <p>11 Q. -- for the people in the area?</p> <p>12 A. They call it Angie Handy. If somebody had like</p> <p>13 a little project going on, and he would do stuff like</p> <p>14 that. He wanted to spend as much time as possible at</p> <p>15 home about the last year and a half or so, because my</p> <p>16 wife was very sick and he wanted to be around her and</p> <p>17 stuff. This way he wasn't working like he is now, full-</p> <p>18 time as an apartment manager.</p> <p>19 Q. So during the fall of 2022, he had some control</p> <p>20 over his work schedule and --</p> <p>21 A. Yes. He --</p> <p>22 Q. -- when he --</p> <p>23 A. -- could --</p> <p>24 Q. -- worked and when he needed to be somewhere</p> <p>25 else?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. He's 44. I have other children, but he's the</p> <p>2 only one that lives there with me. I have other</p> <p>3 children, but they don't live there, just him.</p> <p>4 Q. Do any of them live nearby?</p> <p>5 A. I have another son that lives in Onion Creek</p> <p>6 here in Austin, a daughter in Boston, Massachusetts, and</p> <p>7 another son in Bolo, Illinois.</p> <p>8 Q. What's the age of your son who lives in Onion</p> <p>9 Creek?</p> <p>10 A. He's 46.</p> <p>11 Q. And about how far does he live from your home</p> <p>12 address?</p> <p>13 A. About 10 minutes.</p> <p>14 Q. As of the fall of 2022, was your adult son</p> <p>15 living with you?</p> <p>16 A. Yes.</p> <p>17 Q. And when did he start living with you, other</p> <p>18 than at birth? I assume he hasn't lived with you</p> <p>19 continually for 44 years, but when did he come back to</p> <p>20 home?</p> <p>21 A. 15 years ago.</p> <p>22 Q. Okay.</p> <p>23 A. He broke up with his girlfriend, he couldn't</p> <p>24 afford the rent by himself, so my wife, very generous,</p> <p>25 you know, stay with us.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. He could accept or refuse the job.</p> <p>2 THE REPORTER: Y'all try to speak one at a</p> <p>3 time.</p> <p>4 A. I'm sorry.</p> <p>5 Q. (By Mr. Bryant) Me too. I'll try not to speak</p> <p>6 over you. And could you describe your wife's health</p> <p>7 condition during the period roughly from September</p> <p>8 through November of 2022.</p> <p>9 A. She was in hospice care, and I was the primary</p> <p>10 caretaker. The nurse would come over once or twice a</p> <p>11 week.</p> <p>12 Q. And during that period, did your wife need you</p> <p>13 to be there for specific tasks, or just to be sure</p> <p>14 everything was okay?</p> <p>15 A. No, I mean, she couldn't do anything. She</p> <p>16 needed help just getting up from the bed to go to the</p> <p>17 bathroom. So I had to kind of help her walk in there,</p> <p>18 wait there with her, and then help her back out. She</p> <p>19 couldn't do anything anymore. You know, she's --</p> <p>20 Q. Now, the disclosure that is State Defendant's</p> <p>21 Exhibit 2 describes that you have knowledge regarding</p> <p>22 your actions relating to voting in the November 2022</p> <p>23 election.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Had you voted in the primary in 2022?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. Had you voted in the 2020 general election?</p> <p>3 A. Yes, I did.</p> <p>4 Q. And sounds like you vote pretty regularly; is</p> <p>5 that right?</p> <p>6 A. The last three times by mail, and before that</p> <p>7 in person.</p> <p>8 Q. Okay. So the three times that you voted by</p> <p>9 mail include the primary in 2022?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Was that both the first primary and the</p> <p>12 run-off, or did you only vote in the first primary?</p> <p>13 A. Just the first primary.</p> <p>14 Q. Okay. And the 2020 general election?</p> <p>15 A. Yes, I voted.</p> <p>16 Q. By mail?</p> <p>17 A. By mail.</p> <p>18 Q. And did you vote in the primary in 2020?</p> <p>19 A. I don't think so.</p> <p>20 Q. Okay.</p> <p>21 A. I don't think so.</p> <p>22 Q. And you voted or attempted to vote by mail in</p> <p>23 November of 2022?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Are there any other times that you can</p>	<p style="text-align: right;">Page 16</p> <p>1 attempted to vote by mail or voted by mail in the</p> <p>2 election in 2018?</p> <p>3 A. Is that local election, 2018?</p> <p>4 Q. Well, those every two year elections --</p> <p>5 A. Like for senator and stuff?</p> <p>6 Q. It would include some statewide and national</p> <p>7 places. Like I believe that 2018 included the</p> <p>8 senatorial election between --</p> <p>9 A. I can't --</p> <p>10 Q. -- Mr. O'Rourke and Mr. Cruz.</p> <p>11 A. Yeah. I don't remember if we did or not.</p> <p>12 Q. Okay.</p> <p>13 A. If we did or not. I can't remember.</p> <p>14 Q. All right.</p> <p>15 A. We might have, but I'm not sure.</p> <p>16 Q. Okay. You don't have any recollection --</p> <p>17 A. No.</p> <p>18 Q. -- of any --</p> <p>19 A. But the presidential --</p> <p>20 Q. -- specifics regarding --</p> <p>21 (Simultaneous cross-talk.)</p> <p>22 (Reporter requests clarification.)</p> <p>23 Q. (By Mr. Bryant) Okay. Let me be sure that I</p> <p>24 didn't mess up your answer. The other thing I would</p> <p>25 mention is, as we talk, we kind of have a normal</p>
<p style="text-align: right;">Page 15</p> <p>1 recall where you voted or attempted to vote by mail?</p> <p>2 A. The 2016 election.</p> <p>3 Q. That was the general election?</p> <p>4 A. Yes, the general presidential.</p> <p>5 Q. Other than the 2016 presidential election, do</p> <p>6 you recall voting by mail or attempting to vote by mail</p> <p>7 in any other earlier elections?</p> <p>8 A. I think that was about it.</p> <p>9 Q. Okay. And what caused you, if anything, to</p> <p>10 decide to attempt to vote by mail in 2016 for the first</p> <p>11 time?</p> <p>12 A. My wife was already starting to have health</p> <p>13 problems, and we do everything together, so we used to</p> <p>14 go vote together. So especially when you have to wait</p> <p>15 and line and stuff, and with the heat, and she had COPD</p> <p>16 also, so I requested a mail in ballot for her. And I</p> <p>17 said, well, if she's just going to vote by mail, I might</p> <p>18 as well do it too.</p> <p>19 Q. And did your wife vote by mail successfully in</p> <p>20 2016 general election?</p> <p>21 A. Yes, yes. Uh-huh.</p> <p>22 Q. And did you successfully vote by mail in the</p> <p>23 2016 general election?</p> <p>24 A. Yes, I did.</p> <p>25 Q. Now, do you recall whether you or your wife</p>	<p style="text-align: right;">Page 17</p> <p>1 conversation, and you all sometimes say uh-huh. That</p> <p>2 doesn't translate --</p> <p>3 A. Okay.</p> <p>4 Q. -- into a piece of paper very well.</p> <p>5 A. Yes.</p> <p>6 Q. So if you can say yes or no --</p> <p>7 A. Okay.</p> <p>8 Q. -- that will help everybody.</p> <p>9 A. Sure.</p> <p>10 Q. So is it correct that you don't have any</p> <p>11 recollection regarding whether you or your wife voted in</p> <p>12 2018?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. In the primary in 2020, did you vote by</p> <p>15 mail?</p> <p>16 A. Yes.</p> <p>17 Q. Did you have any issues with getting your</p> <p>18 ballot accepted?</p> <p>19 A. No.</p> <p>20 Q. Did your wife vote by mail?</p> <p>21 A. Yes.</p> <p>22 Q. Did she have any issues in getting her ballot</p> <p>23 accepted?</p> <p>24 A. No.</p> <p>25 Q. Okay. Let me ask you about the general</p>

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<p style="text-align: right;">Page 18</p> <p>1 election in 2020.</p> <p>2 A. Okay.</p> <p>3 Q. Did you vote by mail in that election?</p> <p>4 A. Yes.</p> <p>5 Q. Did your wife vote by mail in that election?</p> <p>6 A. Yes.</p> <p>7 Q. Did either of you have any issues in getting</p> <p>8 your ballots accepted?</p> <p>9 A. No.</p> <p>10 Q. Do you recall specifically what the procedure</p> <p>11 was that you followed in voting by mail in 2020?</p> <p>12 A. Just verified the information on the envelope,</p> <p>13 and signed the name on the outside of the envelope, and</p> <p>14 mailed it in.</p> <p>15 Q. And did your wife, in the 2020 general</p> <p>16 election, personally verify her ballot and envelope?</p> <p>17 A. Yes. She had cancer, but she was fully -- she</p> <p>18 knew everything that was going on.</p> <p>19 Q. Okay. And so did she have a marked change</p> <p>20 between '20 and '22 in her health condition I assume?</p> <p>21 A. Her physical health, but mentally, everything</p> <p>22 was the same.</p> <p>23 Q. Did your wife vote or attempt to vote in the</p> <p>24 2022 primary?</p> <p>25 A. She did vote.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. All three. The voter ID number, her last four</p> <p>2 numbers of the social security number, and she doesn't</p> <p>3 have a driver's license, but she put down her ID number.</p> <p>4 Q. And was her mail in ballot accepted without any</p> <p>5 problems?</p> <p>6 A. Yes, it was.</p> <p>7 Q. Were -- strike that. Was she aware of some</p> <p>8 changes in the voting laws in Texas between 2020 and</p> <p>9 2022 that related to how you do mail in balloting?</p> <p>10 MS. WARMS: Objection, form. You can</p> <p>11 answer the question if you know.</p> <p>12 A. No, we didn't do any research or anything like</p> <p>13 that. She wasn't aware, neither was I.</p> <p>14 Q. (By Mr. Bryant) Okay. So were you aware at</p> <p>15 any time prior to November 2022 of any laws that had</p> <p>16 changed in Texas relating to voting by mail?</p> <p>17 A. No.</p> <p>18 Q. How did you and your wife get your mail in</p> <p>19 ballots in 2022? And if you need to separate how you</p> <p>20 did it versus how she did it, please feel free to do so.</p> <p>21 A. I think I went online and requested mailed in</p> <p>22 ballots.</p> <p>23 Q. And did you request them for both you and your</p> <p>24 wife?</p> <p>25 A. Yes, I did.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. And did she vote by mail?</p> <p>2 A. Yes, she did.</p> <p>3 Q. Did she fill out her ballot in the accompanying</p> <p>4 envelope?</p> <p>5 A. She did.</p> <p>6 Q. Did you vote in the 2022 primary by mail?</p> <p>7 A. I don't remember if I voted. We're not too big</p> <p>8 on primaries. I don't remember. I don't remember.</p> <p>9 Q. Okay. Do you recall whether, in connection</p> <p>10 with the 2022 primary, your wife provided some type</p> <p>11 identification number with her ballot, or on her</p> <p>12 envelope, or both?</p> <p>13 A. I don't remember my wife voting for the 2022</p> <p>14 primary.</p> <p>15 Q. Let's ask about the voting that you and your</p> <p>16 wife did in connection with the 2022 general election.</p> <p>17 Did your wife vote in that election?</p> <p>18 A. Yes, she did.</p> <p>19 Q. Did she vote by mail?</p> <p>20 A. Yes.</p> <p>21 Q. Did she fill out her own ballot and envelope?</p> <p>22 A. Yes, she did.</p> <p>23 Q. Did she provide a driver's license, or social</p> <p>24 security numbers, or some other type of identification</p> <p>25 with her ballot and envelope?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Did you receive them?</p> <p>2 A. Yes, I did. We did.</p> <p>3 Q. Approximately when in comparison to the actual</p> <p>4 election day did you make that request?</p> <p>5 A. Sometime in September. I didn't save any</p> <p>6 paperwork so I can't give you exact dates, but --</p> <p>7 Q. Do you recall about how long it was after you</p> <p>8 made the online application for you and your wife in</p> <p>9 September 2022 that you actually received the ballot and</p> <p>10 envelope?</p> <p>11 A. It was between a week and two weeks.</p> <p>12 Q. Okay. What did you and your wife do next after</p> <p>13 receiving that ballot and envelope in September or</p> <p>14 October of 2022 to attempt to cast your ballots?</p> <p>15 A. We filled them out as soon as possible, because</p> <p>16 it was getting close to the date. So we went ahead</p> <p>17 and -- you know, we sat the kitchen table, her on one</p> <p>18 side, me on the other, and we filled them out and mailed</p> <p>19 them back.</p> <p>20 Q. Okay. And what's your best estimate as to how</p> <p>21 long you did that before the election day, which I think</p> <p>22 was November 8th?</p> <p>23 A. Probably around the first week of October or</p> <p>24 somewhere in there. I'm going to guess, I'm not sure,</p> <p>25 you know.</p>

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Pages 22 to 25

<p style="text-align: right;">Page 22</p> <p>1 Q. Okay.</p> <p>2 A. I don't know.</p> <p>3 Q. And did you have any confusion or questions</p> <p>4 when you filled out the mail in ballots? And when I say</p> <p>5 you, I mean you or your wife.</p> <p>6 A. No, we didn't have any problems.</p> <p>7 Q. Okay. And did you -- you promptly mail in</p> <p>8 those mail in ballots after you filled them out?</p> <p>9 A. Yes.</p> <p>10 Q. About how long would that time interval be</p> <p>11 between when you filled them out and when you mailed</p> <p>12 them in October of 2022?</p> <p>13 A. Same day or the next day.</p> <p>14 Q. Okay. And when you prepared your mail in</p> <p>15 ballot, did you provide some identification information</p> <p>16 on the ballot and/or the envelope?</p> <p>17 A. Yes, we did.</p> <p>18 Q. And what information did you personally provide</p> <p>19 related to your mail in ballot in October 2022?</p> <p>20 A. The voter ID number that you get with your</p> <p>21 registration card, the driver's license number, and the</p> <p>22 last four numbers of my social security card.</p> <p>23 Q. Okay. And how long, approximately, had you had</p> <p>24 that driver's license?</p> <p>25 A. For the last -- we moved here in '93, '94. So</p>	<p style="text-align: right;">Page 24</p> <p>1 A. No, because I thought at my age and everything,</p> <p>2 it would be very simple for me to write maybe a three</p> <p>3 instead of an eight or a five. So I thought I probably</p> <p>4 did something wrong, especially kind of stressed out and</p> <p>5 stuff. So I figured I must have wrote the wrong number,</p> <p>6 so I'll just try again.</p> <p>7 Q. Okay. And how did you request an additional</p> <p>8 ballot?</p> <p>9 A. I'm not sure if I went online again or if I</p> <p>10 called. I can't remember.</p> <p>11 Q. This mail notice related to the mail in ballot</p> <p>12 that you received in October or November of 2022, did</p> <p>13 that relate only to your ballot, or did your wife also</p> <p>14 receive a notice related to her ballot?</p> <p>15 A. Only myself. My wife had no problems at all.</p> <p>16 Q. And after you made a request for a second --</p> <p>17 strike that. When you received a notice relating to</p> <p>18 your initial mail in ballot, did it provide any</p> <p>19 information to you as to how to cure any problem that</p> <p>20 might have existed?</p> <p>21 A. Not that I'm aware of. Just a very simple --</p> <p>22 just a checkmark that something didn't match, you know,</p> <p>23 like this didn't match that, so -- according to their</p> <p>24 records. So that was pretty simple.</p> <p>25 Q. Okay. I understand it provided the information</p>
<p style="text-align: right;">Page 23</p> <p>1 almost going on 30 years. 29 years.</p> <p>2 Q. Had you ever had any other Texas driver's</p> <p>3 licenses other than the one that you were using and</p> <p>4 provided on your ballot or envelope in October 2022?</p> <p>5 A. No, that's the only license that I've ever had.</p> <p>6 Q. Prior to casting your mail in ballot, did you</p> <p>7 contact, either directly or online, anybody connected</p> <p>8 with the election process in Travis County?</p> <p>9 A. No, I did not.</p> <p>10 Q. When you cast your ballot, at least the first</p> <p>11 time, did you feel that you understood the requirements</p> <p>12 and had complied with them?</p> <p>13 A. Yes.</p> <p>14 Q. All right. What's the next thing that you</p> <p>15 heard after you and your wife mailed in your ballots</p> <p>16 relating to those ballots?</p> <p>17 A. I'm not sure how long it was, maybe two weeks</p> <p>18 later I received a notice in the mail that my ballot was</p> <p>19 rejected because the driver's license number did not</p> <p>20 match what they had on file and what my actual license</p> <p>21 number is did not match. So I requested a second</p> <p>22 ballot.</p> <p>23 Q. When you received that notice, did you have or</p> <p>24 try to have any conversations with anyone at Travis</p> <p>25 County related to the election process?</p>	<p style="text-align: right;">Page 25</p> <p>1 as to what had caused them to initially reject the</p> <p>2 ballot. Did it provide any other information about what</p> <p>3 options you had to get your ballot counted?</p> <p>4 A. If it did, I don't remember.</p> <p>5 Q. Is it fair to say that you made the decision</p> <p>6 yourself that what you should do is request another</p> <p>7 ballot?</p> <p>8 A. Yes.</p> <p>9 Q. Did you discuss that with anyone prior to the</p> <p>10 time that you did it?</p> <p>11 A. No.</p> <p>12 Q. And did you receive a second ballot?</p> <p>13 A. I did.</p> <p>14 Q. Approximately when did you receive a second</p> <p>15 mail in ballot in October or November of 2022?</p> <p>16 A. Sometime in October, maybe towards the middle</p> <p>17 of October. I'm not sure on the date.</p> <p>18 Q. Did you determine at any time whether the</p> <p>19 initial rejection of your mail in ballot in connection</p> <p>20 with the November 2022 election was because of a -- that</p> <p>21 you had transposed one or more numbers in your driver's</p> <p>22 license number, or whether the state had the wrong</p> <p>23 driver's license number on record for you?</p> <p>24 A. I didn't know what the problem was. All I knew</p> <p>25 is that the numbers didn't match, so I thought I'd try</p>

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Pages 26 to 29

<p style="text-align: right;">Page 26</p> <p>1 it again.</p> <p>2 Q. Okay. And is that true today, that you don't</p> <p>3 know?</p> <p>4 A. I do know now.</p> <p>5 Q. Okay. Well, we'll get to that a little bit</p> <p>6 later.</p> <p>7 A. Yes.</p> <p>8 Q. So once you received a second mail in ballot,</p> <p>9 what did you do?</p> <p>10 A. Filled it out exactly the same, the same voter</p> <p>11 ID number, license driver's number, the same one that I</p> <p>12 had because it's the one that's on my license, and the</p> <p>13 last four numbers of my social security card.</p> <p>14 Q. Okay. And did you check to make sure that you</p> <p>15 had both your social security number and your driver's</p> <p>16 license number written down exactly correctly?</p> <p>17 A. I checked extra carefully this time.</p> <p>18 Q. And once you completed your second mail in</p> <p>19 ballot and the envelope, what did you do?</p> <p>20 A. Mailed it back as soon as I could.</p> <p>21 Q. Okay. And when did you next hear anything</p> <p>22 about your ballot after mailing in the second one?</p> <p>23 A. That was it, I thought it was all done.</p> <p>24 Q. Okay. And so did there come a time when you</p> <p>25 concluded or learned that your ballot had not been</p>	<p style="text-align: right;">Page 28</p> <p>1 officials at any time relating to the numbers that you'd</p> <p>2 provided for your social security number?</p> <p>3 A. No, not the social security. She said</p> <p>4 everything -- the social security number was okay, the</p> <p>5 voter ID number was okay, my address is okay, it's just</p> <p>6 a problem with the driver's license number, that was the</p> <p>7 only problem.</p> <p>8 Q. Okay. Do you know the name of the person that</p> <p>9 you spoke to on that occasion?</p> <p>10 A. No, I don't.</p> <p>11 Q. How did you and that person get in touch with</p> <p>12 each other?</p> <p>13 A. I was told to call voter -- the Travis County</p> <p>14 voter office, or whatever they call it.</p> <p>15 Q. Who told you to do that?</p> <p>16 MS. WARMS: Objection, privileged.</p> <p>17 Q. (By Mr. Bryant) Did one of your attorneys tell</p> <p>18 you to do that?</p> <p>19 A. Yes. Excuse me. Because I wanted to find out</p> <p>20 why it was rejected.</p> <p>21 MR. DOLLING: Mr. Benavides, we're going</p> <p>22 to instruct you not to disclose the content of any of</p> <p>23 the conversations that we have had with you.</p> <p>24 THE WITNESS: All right.</p> <p>25 THE REPORTER: Who's speaking?</p>
<p style="text-align: right;">Page 27</p> <p>1 counted or cast?</p> <p>2 A. Yes, when Dana called me at home and she said</p> <p>3 that there had been a problem with the ballot.</p> <p>4 Q. Approximately when was that?</p> <p>5 A. Two months ago. Maybe two months ago, three, I</p> <p>6 don't know.</p> <p>7 Q. And what other conversation did you have with</p> <p>8 Dana at that time?</p> <p>9 A. I just told her I was not aware that there had</p> <p>10 been problems. I knew that I had voted twice, but I</p> <p>11 didn't know that, you know, there was other problems.</p> <p>12 Q. Okay. All right. You mentioned that you</p> <p>13 learned something about whether the initial rejection</p> <p>14 was because of an error in your writing down one of your</p> <p>15 numbers, or an error in the state database that</p> <p>16 contained those numbers; is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. When did you learn of that problem?</p> <p>19 A. About three or four days ago.</p> <p>20 Q. Okay. And what did you learn at that time?</p> <p>21 A. I called the voter's office, and the lady said</p> <p>22 that their records show that my driver's license number</p> <p>23 ends in a five, and my actual driver's license number</p> <p>24 ends in a four.</p> <p>25 Q. Did you have any conversation with the election</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. DOLLING: This is Zach Dolling for the</p> <p>2 OCA plaintiffs and for the witness.</p> <p>3 Q. (By Mr. Bryant) Have you ever heard of</p> <p>4 something called ballot tracker?</p> <p>5 A. No.</p> <p>6 Q. Do you -- so is it fair to say that you have no</p> <p>7 information about ballot tracker even as we sit here</p> <p>8 today?</p> <p>9 A. No, I don't.</p> <p>10 Q. Do you have any information about any method by</p> <p>11 which you could have checked on the status of your</p> <p>12 ballot in the November 2022 general election?</p> <p>13 A. No.</p> <p>14 Q. Have you ever gone online to a website called</p> <p>15 votetexas.org or Vote Texas?</p> <p>16 A. I might have, but -- you know. Yes, I did, I</p> <p>17 guess. Yeah.</p> <p>18 Q. You did. Approximately when did you do that?</p> <p>19 A. Probably, I don't know, before the election</p> <p>20 maybe.</p> <p>21 Q. When you say before the election, are you</p> <p>22 referring to before the November 2022 election?</p> <p>23 A. Right.</p> <p>24 Q. Do you have any recollection as to how many</p> <p>25 times you went online to that website, Vote Texas?</p>

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<p style="text-align: right;">Page 42</p> <p>1 whether any have occurred. I'm not getting into the</p> <p>2 content of them. So you can answer that question.</p> <p>3 A. Yes.</p> <p>4 Q. And how many occasions?</p> <p>5 A. Once.</p> <p>6 Q. And was that in preparation for this</p> <p>7 deposition, or on a different occasion?</p> <p>8 A. Preparation.</p> <p>9 Q. So this is the conversation that you mentioned</p> <p>10 earlier that has occurred in the last two days?</p> <p>11 A. Yes.</p> <p>12 Q. Was that the first time that you met Dana, or</p> <p>13 was she on the phone or otherwise not present?</p> <p>14 A. I had talked to her on the phone before, Dana.</p> <p>15 Q. And you met her in person for the first time?</p> <p>16 A. Yes.</p> <p>17 Q. When?</p> <p>18 A. The same day, two or three days ago.</p> <p>19 Q. Okay. And was Dana present throughout that</p> <p>20 deposition preparation meeting?</p> <p>21 A. Yes.</p> <p>22 Q. Did you ever consider voting in person in the</p> <p>23 November 2022 general election, either early voting or</p> <p>24 on election day itself?</p> <p>25 A. No, I did not.</p>	<p style="text-align: right;">Page 44</p> <p>1 answer.</p> <p>2 A. I didn't think about it because I had voted by</p> <p>3 mail the last three times, so I figured I'll just do it.</p> <p>4 Q. (By Mr. Bryant) Okay. My question was -- I</p> <p>5 understand your thought process, why you didn't think it</p> <p>6 was necessary, but my question is if you had known that</p> <p>7 there was an issue with your mail in ballot, is there</p> <p>8 any reason why you couldn't have cast a ballot in person</p> <p>9 on election day or in the early voting period after your</p> <p>10 wife passed?</p> <p>11 MS. WARMS: Objection, form. You can</p> <p>12 answer.</p> <p>13 A. I didn't think about it, I guess because I was</p> <p>14 busy taking care of my wife and I didn't want to leave</p> <p>15 her. So that was the main thought in my head. So</p> <p>16 you're saying when I -- I should have just went and</p> <p>17 voted in person?</p> <p>18 Q. (By Mr. Bryant) My question is whether -- had</p> <p>19 you known that you -- that your mail in ballot had not</p> <p>20 been --</p> <p>21 A. I didn't know.</p> <p>22 Q. -- counted -- I understand that, but if you had</p> <p>23 known, is there any reason why you couldn't have voted</p> <p>24 in person on November 8th, 2022, election day?</p> <p>25 A. Because I didn't want to leave my wife alone.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Is there any reason why that would not have</p> <p>2 been possible?</p> <p>3 A. Taking care of my wife, I guess. I didn't want</p> <p>4 to leave her alone for too long of a time.</p> <p>5 Q. Well, is it correct that your wife passed away</p> <p>6 several weeks before the election day?</p> <p>7 A. Correct.</p> <p>8 MR. MIRZA: Objection, form.</p> <p>9 A. I had already voted by mail.</p> <p>10 Q. (By Mr. Bryant) Is there any reason why you</p> <p>11 could not have either voted in person on election day or</p> <p>12 voted in person in early voting sometime after your</p> <p>13 wife's passing?</p> <p>14 MR. MIRZA: Objection, form.</p> <p>15 MS. WARMS: Objection, form.</p> <p>16 A. I had already voted by mail, so I didn't even</p> <p>17 think about it.</p> <p>18 Q. (By Mr. Bryant) Had you thought about it, is</p> <p>19 there anything that would have prevented you? Had you</p> <p>20 known that your -- that there was some issue with your</p> <p>21 ballot being counted, referring to your second mail in</p> <p>22 ballot, is there any reason why you could not have cast</p> <p>23 your ballot in person on election day, or in the week or</p> <p>24 two prior thereto during the early voting period?</p> <p>25 MS. WARMS: Objection, form. You can</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Your wife had passed already at that point,</p> <p>2 right?</p> <p>3 MS. WARMS: Okay.</p> <p>4 A. Yeah, but I had already voted by mail.</p> <p>5 MS. WARMS: Objection, cumulative.</p> <p>6 MR. BRYANT: I'm trying to get an answer</p> <p>7 to my actual question.</p> <p>8 MS. WARMS: He's answered your question.</p> <p>9 Q. (By Mr. Bryant) Was there any physical</p> <p>10 obstacle to your voting in person after your wife passed</p> <p>11 in mid October 2022?</p> <p>12 A. I had already voted, so I didn't even consider</p> <p>13 that.</p> <p>14 MS. WARMS: Objection, form.</p> <p>15 MR. BRYANT: Objection, nonresponsive.</p> <p>16 Q. (By Mr. Bryant) During the period in September</p> <p>17 and October of 2022 prior to your wife's passing, did --</p> <p>18 were there times when your son looked after your wife</p> <p>19 and you took care of other necessary tasks?</p> <p>20 A. Very shortly, just for a very small amount of</p> <p>21 time.</p> <p>22 Q. And --</p> <p>23 A. Because she wanted me there. There's things</p> <p>24 that I can do that he couldn't do.</p> <p>25 Q. And did -- during that period, how did you take</p>

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<p style="text-align: right;">Page 46</p> <p>1 care of the normal necessities of life, like getting</p> <p>2 groceries and getting prescriptions and taking care of</p> <p>3 normal day-to-day business?</p> <p>4 MS. WARMS: Objection, form.</p> <p>5 A. Hurried. I went as fast as I could and got</p> <p>6 back home.</p> <p>7 Q. (By Mr. Bryant) And so you didn't rely on your</p> <p>8 son for those types of tasks during that period in</p> <p>9 September and October of 2022?</p> <p>10 A. No.</p> <p>11 Q. Were there periods when you were away from the</p> <p>12 home an hour or more taking care of those types of tasks</p> <p>13 in September or October of 2022?</p> <p>14 A. Very briefly. I mean, like I says, I tried to</p> <p>15 keep it as short as possible. Wasn't gone very long.</p> <p>16 Q. But were there instances where it took an hour</p> <p>17 or more for you to accomplish the task of being away</p> <p>18 during that period?</p> <p>19 A. I can't remember of any instance.</p> <p>20 Q. Have you ever been a party to a lawsuit?</p> <p>21 A. No.</p> <p>22 Q. You testified earlier that one time in, at</p> <p>23 least in September or October of 2022, you went online</p> <p>24 to the Vote Texas website; is that right?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 48</p> <p>1 answer.</p> <p>2 A. There's no reason. I just -- like I said, I</p> <p>3 voted and I trusted the system, and that was that.</p> <p>4 Q. (By Mr. Bryant) As you sit here today, do you</p> <p>5 know whether or not the ballot that you cast in the</p> <p>6 November 2022 general election, the second mail in</p> <p>7 ballot, was or was not accepted?</p> <p>8 A. It was not accepted.</p> <p>9 Q. And do you have any knowledge of that other</p> <p>10 than from Dana?</p> <p>11 A. The only knowledge I have is from the voter</p> <p>12 office, Travis County voter office. I called them, and</p> <p>13 they said it was not accepted because it was -- got too</p> <p>14 late.</p> <p>15 Q. And that was a conversation that you had when?</p> <p>16 A. Three or four days ago.</p> <p>17 Q. Is that a different reason for rejection of the</p> <p>18 ballot than Dana told you about in your first</p> <p>19 conversation?</p> <p>20 MS. WARMS: Objection, form. Sorry. If</p> <p>21 you can finish the question you originally were</p> <p>22 answering, I interrupted you.</p> <p>23 Q. (By Mr. Bryant) Okay. My question was about</p> <p>24 the initial conversation that you had with Dana alone.</p> <p>25 Did she tell you that your vote had -- your mail in</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Did you see on that website an option for you</p> <p>2 to track your ballot?</p> <p>3 A. No, or I don't remember seeing it.</p> <p>4 Q. Do you have any knowledge as to whether or not</p> <p>5 you had the ability to track your ballot and find out</p> <p>6 whether it had been accepted or not?</p> <p>7 MS. WARMS: Objection, form. You can</p> <p>8 answer if you know.</p> <p>9 A. I didn't try it. I mean --</p> <p>10 Q. (By Mr. Bryant) So you made a decision that</p> <p>11 you were not going to try to track your ballot in</p> <p>12 connection with the November 2022 election?</p> <p>13 A. I voted, and I thought that was it. I was</p> <p>14 done.</p> <p>15 Q. Okay. And was there any particular reason why</p> <p>16 you did not try to verify that your ballot had been</p> <p>17 accepted?</p> <p>18 MR. MIRZA: Objection, form.</p> <p>19 MS. WARMS: Objection, form. You can</p> <p>20 answer.</p> <p>21 A. Was there any reason for me to think that --</p> <p>22 Q. (By Mr. Bryant) Was there any reason why you</p> <p>23 didn't try to verify at any point that your ballot had</p> <p>24 been accepted?</p> <p>25 MS. WARMS: Objection, form. You can</p>	<p style="text-align: right;">Page 49</p> <p>1 ballot in the November 2022 general election had been</p> <p>2 rejected?</p> <p>3 A. No.</p> <p>4 Q. Did you ever receive information from Dana that</p> <p>5 your mail in ballot in the November 2022 election had</p> <p>6 been rejected?</p> <p>7 MS. WARMS: Objection, attorney/client</p> <p>8 privilege. I instruct you not to answer to the extent</p> <p>9 that the content of your conversations with your</p> <p>10 attorneys.</p> <p>11 Q. (By Mr. Bryant) I'm not asking about any</p> <p>12 content of conversations with your attorneys, I'm asking</p> <p>13 about your conversation with Dana, who is not your</p> <p>14 attorney. Could you answer that question?</p> <p>15 A. What was the question again?</p> <p>16 Q. Okay. Did you ever get information from Dana</p> <p>17 as to a reason or reasons why your second mail in ballot</p> <p>18 in the November 2022 election was not accepted?</p> <p>19 A. No.</p> <p>20 Q. During your initial conversation with Dana, did</p> <p>21 Dana raise with you the issue of the driver's license</p> <p>22 number discrepancy that we've discussed?</p> <p>23 A. No.</p> <p>24 Q. Did Dana raise with you during that</p> <p>25 conversation any issue related to the timing of receipt</p>

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<p style="text-align: right;">Page 50</p> <p>1 by the Travis County election authorities of your second 2 mail in ballot in connection with the November 2022 3 general election? 4 A. No. 5 Q. I believe you testified that you have voted in 6 person before in your -- when you lived at your current 7 address? 8 A. Yes. 9 Q. And so you know where you would go to vote in 10 person had you wished to do so, or if you wish to do so 11 in the future? 12 MS. WARMS: Objection, form. You can 13 answer. 14 A. Yes, I know where it is. 15 Q. (By Mr. Bryant) Do you happen to know any of 16 the election officials at that polling place? 17 A. No. 18 Q. Have you ever had any trouble voting in person 19 when you wanted to vote in person? 20 MS. WARMS: Objection, form. You can 21 answer. 22 A. No. 23 Q. (By Mr. Bryant) Have you ever served as a poll 24 worker or otherwise been involved in elections yourself? 25 A. No.</p>	<p style="text-align: right;">Page 52</p> <p>1 later? 2 MS. WARMS: Objection, form. You can 3 answer. 4 A. I don't remember if I did or not. I don't have 5 the exact date. 6 Q. (By Mr. Bryant) Okay. Well, you had raised 7 the issue that you received some information that it -- 8 the second mail in ballot was not received until -- 9 A. October 28th. 10 Q. Okay. And did information that you received 11 from the Travis County election officials say that it 12 specifically was received on October 28th by them or 13 then, or sometime after that? 14 A. By them, no. 15 Q. Okay. And so is it fair to say that you don't 16 know, you don't have any knowledge as to how long before 17 that October 28th date you mailed it -- 18 A. That's correct. 19 Q. -- specifically? 20 A. That's correct. 21 Q. Okay. If I understand your testimony also, it 22 is that you had no contact with any election official, 23 either by phone or in person, at any time during the 24 last half of 2022? 25 A. That's correct.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Do you have any plans to vote either by mail in 2 ballot or in person in future elections? 3 MS. WARMS: Objection, form. You can 4 answer. 5 A. I don't know. It all depends how I -- my 6 health. I'm almost 76 years old, so. 7 Q. (By Mr. Bryant) In connection with the 8 November 2022 general election -- you may have testified 9 to this, I just don't remember the answer. What is 10 the -- what's your best recollection of the date when 11 you mailed the second mail in ballot? 12 A. Must have been like the middle of October 13 sometime, but I don't remember the exact date. 14 Q. Okay. How did you mail it? 15 A. Just the local neighborhood mailbox. We have 16 one of those big, you know, cluster boxes, and -- 17 Q. You put it in that neighborhood mailbox? 18 A. Yes. 19 Q. So as far as you know, was it properly 20 addressed and stamped? 21 A. Yes. 22 Q. And can you say that you mailed that second 23 mail in ballot prior to October 20th? 24 A. I don't remember. 25 Q. Is it possible that you mailed it a little bit</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Did you understand in November of 2022 that you 2 had the option to hand deliver your second mail in 3 ballot to the Travis County election location? 4 A. I did not. I didn't know that. 5 Q. Do you know anyone else, besides yourself, 6 whose mail in ballot was not counted in the November 7 2022 general election? 8 A. I don't know of anybody else. 9 Q. As you sit here today, do you have any 10 information about the voting law changes that were made 11 in Texas in 2021, sometimes referred to as SB1? 12 A. No. 13 Q. Mr. Benavides, are you a member of a political 14 party? 15 A. Not -- no. 16 Q. When you vote in the primaries, which primary 17 do you vote in? 18 A. Democratic. 19 Q. Has that always been the case? 20 A. That's always the case. 21 Q. Have you ever donated to political campaigns? 22 A. No. 23 Q. Have you ever worked for a political campaign? 24 A. No, I haven't. 25 Q. Have you ever donated to organizations that</p>

EXHIBIT

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In The Matter Of

La Union Del Pueblo Entero, et al.,

Plaintiffs

State Of Texas, et al.,

Defendants

CASE

5:21-cv-844

Date

4-27-2022

Witness

Jonathan Sherman White

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5:21-cv-844 (XR)**4/27/2022****Entero v Texas****NATIONAL COURT REPORTERS INC 888.800.9656****Jonathan Sherman White 1 (1 - 4)****1 (1 - 4)**

<p>Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE WESTERN DISTRICT OF TEXAS 3 SAN ANTONIO DIVISION</p> <p>4 LA UNION DEL PUEBLO § 5 ENTERO, ET AL., § 6 Plaintiffs, § Civil Action No. 7 VS. § 5:21-cv-844 (XR) 8 § (Consolidated Cases) 9 STATE OF TEXAS, ET AL. § 10 Defendants. § 11 *****</p> <p>12 ORAL DEPOSITION OF 13 JONATHAN SHERMAN WHITE 14 APRIL 27, 2022</p> <p>15 *****</p> <p>16 ORAL DEPOSITION OF JONATHAN SHERMAN WHITE, 17 produced as a witness at the instance of the Plaintiffs 18 and Plaintiff-Intervenors, and duly sworn, was taken in 19 the above-styled and numbered cause on the 27th day of 20 April 2022, from 9:11 a.m. to 5:31 p.m., before Caroline 21 Chapman, CSR in and for the State of Texas, reported by 22 Computerized Stenotype Machine, Computer-Assisted 23 Transcription, held at the William P. Clements Jr. State 24 Office Building, 300 West 15th Street, Hearing Room 25 1001E, Austin, Texas, pursuant to the Federal Rules of Civil Procedure.</p>	<p>Page 3</p> <p>1 A P P E A R A N C E S (CONTINUED)</p> <p>2 KATIE M. FRIEL (via videoconference) 3 Fellow, Voting Rights & Elections 4 Brennan Center for Justice at NYU School of Law 5 120 Broadway, Suite 1750 6 New York, NY 10271 7 (646) 292-8310 Fax: (212) 463-7308 8 freilk@brennan.law.nyu.edu</p> <p>9 COUNSEL FOR THE LUPE PLAINTIFFS: 10 ELIZA SWEREN-BECKER (via videoconference) 11 Counsel, Voting Rights & Elections Program 12 Brennan Center for Justice at NYU School of Law 13 120 Broadway, Suite 1750 14 New York, NY 10271-202 15 (646) 925-8765 Fax: (917) 597-9040 16 Eliza.sweren-becker@nyu.edu</p> <p>17 COUNSEL FOR MI FAMILIA VOTA PLAINTIFFS: 18 LAURA E. ROSENBAUM (via videoconference) 19 STOEL RIVES, LLP 20 760 SW Ninth Avenue, Suite 3000 21 Portland, OR 97205 22 (503) 294-9642 23 Laura.rosenbaum@stoel.com</p> <p>24 COUNSEL FOR DEFENDANT TRAVIS COUNTY CLERK REBECCA 25 GUERRERO AND DISTRICT ATTORNEY JOSE P. GARZA: ANTHONY "TONY" NELSON (via videoconference) Civil Litigation Division of the Travis County Attorney's Office P.O. Box 1748 Austin, TX 78767-1748 (512) 854-9513 Fax: (512) 854-4808 tony.nelson@traviscountytexas.gov</p> <p>COUNSEL FOR YVONNE RAMÓN ELECTIONS ADMINISTRATORS OF HIDALGO COUNTY: LEIGH ANN LEAVELL TOGNETTI (videoconference) Hidalgo County District Attorney's Office 100 East Cano, Courthouse Annex III, 1st Floor Edinburg, TX 78539 (956) 292-7609 EXT 8182 Leigh.tognetti@da.co.hidalgo.tx.us</p>
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<p>Page 5</p> <p>1 A P P E A R A N C E S (CONTINUED)</p> <p>2 COUNSEL FOR MICHAEL SCARPELLO ELECTIONS ADMINISTRATOR FOR DALLAS COUNTY:</p> <p>3 BENJAMIN LAURENCE "BEN" STOOL (videoconference) Criminal District Attorney's Office Dallas County, Texas 500 Elm Street, Suite 6300 Dallas, TX 75202-3371 (214) 653-6243 Ben.Stool@dallascounty.org</p> <p>7 Also present: Joanna Howe, Reed Smith Law Clerk (via videoconference) jhowe@reedsmith.com</p> <p>9 Lauren Putnam (via videoconference) Michael Garza (via videoconference) Marina Elsner (via videoconference) Julia Longoria (via videoconference) Breanna Williams (via videoconference)</p>	<p>Page 7</p> <p>1 JONATHAN SHERMAN WHITE</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MS. PAIKOWSKY:</p> <p>5 Q. So good morning, Mr. White.</p> <p>6 A. Good morning.</p> <p>7 Q. My name is Dana Paikowsky. I'm from the 8 Department of Justice. And I wanted to thank you for 9 joining us this morning. At this time, if anybody has a 10 cell phone, I'd ask that they silence it before we 11 proceed.</p> <p>12 Again, I would also like to note for the 13 record that although the Zoom link is being recorded and 14 projected, it's just for the purpose of facilitating 15 remote access, and we have stipulated with counsel that 16 we will not be using this video at trial.</p> <p>17 So, first thing, I would like you to 18 please state your name and spell it for the record.</p> <p>19 A. Jonathan White. J-O-N-A-T-H-A-N, W-H-I-T-E.</p> <p>20 Q. Uh.</p> <p>21 A. Middle initial is S.</p> <p>22 Q. Thank you so much, Mr. White.</p> <p>23 A. Uh-huh.</p> <p>24 Q. So before we do anything else, I want to make 25 sure that we're set up for a smooth deposition. Have</p>
<p>Page 6</p> <p>1 I N D E X</p> <p>2 Appearances 2</p> <p>3 JONATHAN SHERMAN WHITE</p> <p>4 PAGE</p> <p>5 Examination by Ms. Paikowsky 7</p> <p>6 Examination by Ms. Perales 113</p> <p>7 Examination by Ms. Rosenbaum 227</p> <p>8 Signature and Changes 234</p> <p>9 Reporter's Certificate 236</p> <p>10</p> <p>11 E X H I B I T S</p> <p>12</p> <p>13 NO. DESCRIPTION PAGE</p> <p>14 Exhibit 1 Office of the Attorney General of 18 Texas Election Fraud Violations, Prosecutions Resolved</p> <p>15 Exhibit 2 V.T.C.A. Election Code, 26 Section 64.034 Oath, Effective December 2, 2021, Currentness</p> <p>16 Exhibit 3 V.T.C.A. Election Code, 30 Section 64.034 Oath, Effective September 1, 2013 to December 1, 2021</p> <p>17 Exhibit 4 V.T.C.A. Election Code, 77 Section 276.013 Election Fraud, Effective December 2, 2021</p> <p>18 Exhibit 5 Election Integrity, State 054622 90 through State 054677</p> <p>19 Exhibit 6 Office of the Attorney General 104 Election Fraud Violations, Prosecutions Resolved</p> <p>20 Exhibit 7 State 087323 through State 087339 109 Legislative Budget Board, Austin, Texas, Criminal Justice Impact Statement, 87th Legislature 1st Called Session 2021, July 9, 2021</p> <p>21 Exhibit 8 Senate Bill 1 114</p> <p>22 Exhibit 9 V.T.C.A. Election Code, 181 Section 64.036 Unlawful Assistance, Effective September 1, 2003, Currentness</p>	<p>Page 8</p> <p>1 you ever been deposed before?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Well, as you may already know, this process 4 works best if you wait to start your answer until I have 5 completely finished the question. Is that something we 6 can agree to?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Also, the court reporter cannot indicate in her 9 notes nods and other gestures, including "Uh-huhs" and 10 "Huh-uhs," so every answer should be verbal. Is that 11 okay?</p> <p>12 A. Correct.</p> <p>13 Q. Thank you.</p> <p>14 Also, an attorney may object to a 15 question, after which you can still answer unless they 16 specifically instruct you not to. Do you understand?</p> <p>17 A. Yes.</p> <p>18 Q. Can you also agree that if you don't understand 19 a question or need clarification, you will let me know?</p> <p>20 A. Yes.</p> <p>21 Q. Can we assume that you understood a question if 22 you answer without asking for clarification?</p> <p>23 A. That sounds fair.</p> <p>24 Q. Is there any reason you're aware of that your 25 memory and ability to answer questions would be impaired</p>

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<p>1 identifying information, or an identifier such as a DL 2 or the last four of the social. That could be an 3 obstacle to a vote harvesting crew that wishes to bypass 4 the voter. 5 And then, as I already stated, it could 6 also be an obstacle to gaining the voter's compliance, 7 because here's a stranger asking for my DL number so 8 that they can complete these documents on my behalf or 9 submit this, you know, carrier envelope on my behalf, so 10 it -- by putting the control of the interaction more in 11 the voter's hands because those are -- those are numbers 12 that the voter has access to that the harvester is less 13 likely to have access to, I think it promotes security 14 in that fashion. 15 Q. So if I, moving forward, refer to the activity 16 you described of collecting as many absentee ballots and 17 collecting and submitting ballots by mail as illegal 18 vote harvesting, will you understand what I'm referring 19 to? 20 A. Sure. And if for some reason that definition 21 needs clarifying, then I'll bring it up at that time. 22 Q. You mentioned that SB1's mail ballot 23 identification requirements would be more effective in 24 preventing some vote harvesting more so than others. 25 Are there instances you can think of where SB1's mail</p>	Page 85	<p>1 identification document. They could just ask for it, 2 and if the voter was inclined to provide it or show it 3 to them because they had that level of trust somehow 4 with a stranger or -- or a harvester maybe that they've 5 known from previous election cycles, that's possible. 6 Q. Uh-huh. 7 Do you have any personal knowledge of the 8 operative underlying facts of a case that was positively 9 resolved, so the spreadsheet we've been working on, 10 where the defendant who engaged in voter -- in a vote 11 harvesting crime filled out the voter's ballot or 12 absentee ballot by mail request in the voter's presence? 13 A. Sure. Although I would say, because this -- 14 this isn't the most up-to-date document. Some of the 15 most recent cases are the ones that are immediately 16 popping into my mind and they're not on this document 17 yet, but they have been resolved. 18 Q. They have been resolved? 19 A. And there may be ones on here as well that I 20 would have to take a look at, but most of these cases 21 focus on the -- on the -- kind of the harvesting side of 22 the process rather than the seeding or the application 23 side of the process, from what I looked through. 24 Actually, you know, I was flagging the ones that were -- 25 that were unlawful assistance interactions, and so we</p>	Page 87
<p>1 ballot identification requirements would not be 2 effective in deterring vote harvesting? 3 A. The primary scenario I can think of is where a 4 vote harvesting crew already has enough information 5 about the voters that they possess those identifying 6 numbers that have to be provided. 7 Q. Do you believe that SB1's mail ballot 8 identification requirements would be effective in 9 preventing vote harvesting if a defendant filled out 10 either the voter's application or mail ballot in the 11 presence of that voter? 12 MR. HUDSON: Objection, form, foundation. 13 Objection, incomplete hypothetical. 14 A. If I understand the question, I think that 15 the -- the piece that I mentioned earlier, where the 16 voter could be put off by a harvester requesting that 17 information from the voter, that could reduce the 18 likelihood of a successful vote harvesting transaction. 19 I think that would be my answer. 20 Q. And can you think of situations where a 21 perpetrator might be able to obtain an ID from the 22 person they're seeking to harvest a ballot from? 23 MR. HUDSON: Objection, incomplete 24 hypothetical. Objection, foundation. 25 A. An ID number or an actual -- actual</p>	Page 86	<p>1 probably do have some application fraud situations here. 2 But a majority -- I would say a majority of the 3 application violation cases do involve completing an 4 application in the presence of the voter. 5 Q. The majority involve completing an application 6 in the presence of the voter? 7 A. Most of it happens in the presence of the 8 voter. And I think the reason for that is because 9 eventually they have to go back to the voter for the 10 ballot, and so it's helpful to have that prior 11 interaction with the voter. It's helpful to get -- it's 12 easy to get an actual signature from the voter for an 13 application, because I'm just helping you get a mail 14 ballot. 15 Q. Right. 16 A. Now, when you go to the mail ballot, that's 17 where the skill comes in. 18 Q. So in most of these vote harvesting schemes, 19 the harvesters are trying to build some relationship 20 with the people they're targeting? 21 A. I would say they're trying to -- trying to 22 establish some level of trust or confidence with that -- 23 with that voter. If they're doing it well, they are. 24 Q. And in those instances, is it possible that 25 they could ask the voter for their identification number</p>	Page 88

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<p>1 or have the voter fill out their own identification 2 number? 3 A. That's right. Absolutely. 4 MS. PAIKOWSKY: If it's okay, can I take a 5 five-minute break? 6 A. Sure. 7 MR. HUDSON: No objection. 8 (Lunch recess.) 9 Q. (By Ms. Paikowsky) Mr. White, I'm going to go 10 back to asking questions about SB1's mail ballot 11 identification provisions. Without SB1's mail ballot 12 identification provisions, would your office have other 13 means of detecting vote harvesting? 14 MR. HUDSON: Object to the extent that 15 that would encroach on investigator privilege, and 16 remind you of the stipulation concerning the running 17 objection. Just instruct the witness, to the extent 18 that that would encroach on methods of investigation or 19 practices, I'll instruct you not to answer. 20 A. Yeah. Without going into our mental 21 impressions and our investigative practices, I guess I 22 could say we have prosecuted vote harvesting cases in 23 the past. 24 Q. And this, again, is not seeking specific 25 information about any investigation, but do you have --</p>	<p>Page 89</p> <p>1 A. This specific version, I'm not 100 percent 2 sure, but -- I couldn't say for sure. 3 Q. What are instances where you presented some 4 version of this slide show? 5 A. The one I recall is -- would be the Secretary 6 of State's annual elections conference for elections 7 administrators. 8 Q. And in that conference, who are you presenting 9 this slide show to? 10 A. Elections officials. 11 Q. What is the purpose of giving this presentation 12 to election officials? 13 A. To inform them about election integrity efforts 14 and enforcement and to give them some information on 15 what they can look for in terms of detecting election 16 fraud and how to report it. 17 Q. If you wouldn't mind turning to Bates 18 No. 054641. 19 A. Okay. 20 Q. Can you describe this slide? 21 A. So this slide is intended to show some examples 22 or representations of examples of mail ballot 23 application activity that might be associated with -- 24 with fraud or vote harvesting operations. 25 Q. Does this slide show tools that your office</p> <p>Page 91</p>
<p>1 does your office have methods by which you would detect 2 potential illegal vote harvesting? 3 MR. HUDSON: Same objections. 4 A. We have -- 5 MR. HUDSON: Same instruction. 6 A. We have other methods. 7 Q. All right. I'm going to show you a document 8 that we can mark Exhibit 5. 9 (Exhibit 5 marked.) 10 MS. PERALES: What are you marking? You 11 tell me. This is 5? 12 MS. PAIKOWSKY: This is 5. 13 Q. (By Ms. Paikowsky) Do you recognize this 14 document? Sorry, and I should say this is marked 15 State -- Bates No. State 05462. 16 A. Yes, I believe I do. 17 Q. And what is this document? 18 A. It is a PowerPoint file including some 19 information about election integrity at the Attorney 20 General's Office. 21 Q. Who created this PowerPoint? 22 A. I guess a collaboration involving myself and 23 some other members of our team, I'm not sure exactly 24 who. 25 Q. What has the slide show been used for?</p> <p>Page 90</p>	<p>1 uses to detect vote harvesting and impersonations? 2 A. The intent was to show elections administrators 3 items that they might detect, and if looking -- if 4 looked into further might find evidence of fraud that 5 they would report to our office. 6 Q. So is it fair to say that the examples you see 7 here might give your office or others cause to 8 investigate potential absentee ballot by mail fraud? 9 A. They might if we received a complaint with this 10 type of information inside of it. 11 Q. Have there been instances -- again, not going 12 into privileged information about any specific 13 investigation -- have there been instances in the past 14 where your office has received a complaint that includes 15 an example that you -- similar to those that you've 16 provided here to detect a vote harvesting? 17 A. Yes. 18 Q. To your knowledge, will your office continue to 19 rely on this tool to detect vote harvesting? 20 A. We'll continue to rely on complaints that have 21 credible information about election fraud. 22 Q. And the kinds of evidence that you might 23 consider credible evidence warranting an investigation 24 would be -- would include what's provided on this slide 25 show?</p> <p>Page 92</p>

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<p>Page 93</p> <p>1 A. If -- if some of these were submitted to us</p> <p>2 with other facts, then, yes, that could -- that could</p> <p>3 spark an investigation.</p> <p>4 Q. Okay. I'm going to have us turn to the next</p> <p>5 page, State 054642. Can you describe the purpose of</p> <p>6 this slide?</p> <p>7 A. This slide is an example of handwriting that</p> <p>8 appears to come from one individual indicating that</p> <p>9 applications for mail ballots were filled out by a</p> <p>10 single person, which would indicate organized vote</p> <p>11 harvesting activity.</p> <p>12 Q. So is seeking out examples like this of similar</p> <p>13 handwriting a tool that your office can use to detect</p> <p>14 vote harvesting?</p> <p>15 A. If we receive a complaint with that</p> <p>16 information, then, yes.</p> <p>17 Q. Has your office used this tool to detect vote</p> <p>18 harvesting before when you received complaints that</p> <p>19 include evidence showing similar handwriting?</p> <p>20 THE REPORTER: I'm sorry. Include?</p> <p>21 MS. PAIKOWSKY: Similar handwriting.</p> <p>22 A. We've seen examples of similar handwriting come</p> <p>23 to us in the form of a complaint.</p> <p>24 Q. And has your office --</p> <p>25 A. We would investigate that.</p>	<p>Page 95</p> <p>1 that would be an obvious indication of potential fraud,</p> <p>2 and that would be one of the tools that could be used by</p> <p>3 elections administrators to detect fraud, which they</p> <p>4 could then report for investigation.</p> <p>5 Q. And is this -- so -- withdrawn.</p> <p>6 Is this a tool your office recommends</p> <p>7 election officials use to detect vote harvesting?</p> <p>8 A. We have presented this as information that they</p> <p>9 could use to detect suspicious behavior and report it</p> <p>10 for investigation, yes.</p> <p>11 Q. And does your office use evidence of a similar</p> <p>12 kind of mismatched signatures to substantiate</p> <p>13 allegations of vote harvesting?</p> <p>14 A. That would be one way that -- that we could</p> <p>15 potentially substantiate a particular type of illegal</p> <p>16 activity.</p> <p>17 Q. Have you -- and is that illegal activity --</p> <p>18 could that illegal activity include vote harvesting?</p> <p>19 A. Correct.</p> <p>20 Q. Has your office in the past used this kind of</p> <p>21 evidence showing mismatched signatures to substantiate</p> <p>22 allegations of vote harvesting?</p> <p>23 A. We have.</p> <p>24 Q. To your knowledge, will your office continue to</p> <p>25 rely on this tool to detect and substantiate vote</p>
<p>Page 94</p> <p>1 Q. You would investigate that. In order to detect</p> <p>2 vote harvesting?</p> <p>3 A. Yeah. To some extent the detection has already</p> <p>4 been done when we receive the complaint, so we don't</p> <p>5 actively detect vote harvesting or use this in some way</p> <p>6 to detect vote harvesting in general.</p> <p>7 Q. So it would be used as a way to potentially</p> <p>8 build a case substantiating a claim of vote harvesting?</p> <p>9 A. I think I would agree with that.</p> <p>10 Q. Has your office used this kind of evidence</p> <p>11 successfully to detect or substantiate a claim of vote</p> <p>12 harvesting in the past?</p> <p>13 A. I think I would say that we have received</p> <p>14 information like this and we would act upon it.</p> <p>15 Q. To your knowledge, would your office continue</p> <p>16 to rely on this kind of evidence or tool to detect and</p> <p>17 substantiate allegations of vote harvesting?</p> <p>18 A. Sure. With the caveat of us not really using</p> <p>19 this to actively detect and screen for vote harvesting.</p> <p>20 Q. All right. I'm going to ask that we turn to</p> <p>21 the next page, which is State 054643. And again, could</p> <p>22 you describe what the purpose of this slide is?</p> <p>23 A. So the purpose of this slide is just to</p> <p>24 illustrate that if you have a different signature on an</p> <p>25 application than you have on a carrier envelope, then</p>	<p>Page 96</p> <p>1 harvesting in the future?</p> <p>2 A. Sure.</p> <p>3 Q. All right. Let me turn to the next slide.</p> <p>4 This is State 054644. Mr. White, would you mind</p> <p>5 describing what the purpose of this slide is?</p> <p>6 A. Yes. This would be an example of a</p> <p>7 potential -- potentially fraudulent signature from a</p> <p>8 voter that would be electronic in nature, or that could</p> <p>9 have been captured from an electronic device and printed</p> <p>10 out on an application without the voter's knowledge.</p> <p>11 Q. Is this a tool that your office recommends</p> <p>12 officials use to detect potential vote harvesting</p> <p>13 violations?</p> <p>14 A. If an elections administrator were to see this</p> <p>15 type of signature on a document it would -- we would</p> <p>16 recommend they take a look at it, and, if warranted,</p> <p>17 refer that to us for investigation.</p> <p>18 Q. And would your office use this kind of evidence</p> <p>19 to substantiate vote harvesting?</p> <p>20 A. The method is probably somewhat outdated, but</p> <p>21 if we saw this, we would -- we would take a look at it</p> <p>22 for sure.</p> <p>23 Q. Have you ever used this kind of evidence of</p> <p>24 electronic signatures to substantiate vote harvesting</p> <p>25 cases in the past?</p>

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<p>Page 213</p> <p>1 or some other polling place, and without respect to</p> <p>2 whether the food is being offered as an inducement to</p> <p>3 vote, but just having a barbecue set up, chicken plates</p> <p>4 on the lawn of the county courthouse, outside the</p> <p>5 electioneering zone does not violate Texas law, right?</p> <p>6 MR. HUDSON: Objection, form, incomplete</p> <p>7 hypothetical. Objection, asked and answered.</p> <p>8 Objection, foundation. Go ahead.</p> <p>9 A. I -- yeah, I mean, I might miss something, but,</p> <p>10 you know, absent -- absent some facts that actually</p> <p>11 indicate an offense under the Election Code or some</p> <p>12 other code, no, I mean people can gather and have food.</p> <p>13 Q. And you mentioned that the chicken plate is a</p> <p>14 phenomenon of South Texas. Is that what you've heard?</p> <p>15 A. That's what I've heard.</p> <p>16 Q. Are you aware that campaigns set up barbecues</p> <p>17 and tents and lawn chairs and hand out food to people in</p> <p>18 other parts of Texas besides South Texas?</p> <p>19 A. That wouldn't surprise me to hear that. I just</p> <p>20 haven't heard a lot of those stories.</p> <p>21 Q. What percent of the cases that you have</p> <p>22 prosecuted of voter assistance fraud have involved Anglo</p> <p>23 defendants versus non Anglo defendants?</p> <p>24 A. No idea.</p> <p>25 Q. Have you ever seen an instance where a voter</p>	<p>Page 215</p> <p>1 voting for other people, basically?</p> <p>2 A. Sure. Well, the one that comes to mind</p> <p>3 immediately is the one associated with the victim's</p> <p>4 assistance coordinator of Omar Escobar, whose vote</p> <p>5 harvesting operation caught up a deceased voter who had</p> <p>6 been -- who had passed away nine years earlier, and</p> <p>7 applied for a mail ballot for that voter, and that mail</p> <p>8 ballot got voted. The issue in the case was actually</p> <p>9 pending that offense to the specific person, and we</p> <p>10 ultimately did not obtain that conviction against</p> <p>11 Ms. Garza in that case.</p> <p>12 Q. Did you charge her? Did you go to court?</p> <p>13 A. We did.</p> <p>14 Q. Was she acquitted?</p> <p>15 A. No.</p> <p>16 Q. The charges were dropped?</p> <p>17 A. The charges were dropped.</p> <p>18 Q. Okay. Do you have any sense of the relative</p> <p>19 proportion of fraud that occurs by family members voting</p> <p>20 for other family members versus one of these vote</p> <p>21 harvesting operations that you've identified in your</p> <p>22 chart?</p> <p>23 A. I have a very general sense of it based on just</p> <p>24 a cumulative 14 years of dealing with cases.</p> <p>25 Q. And what is your sense?</p>
<p>Page 214</p> <p>1 cast a ballot for a family member who was ineligible</p> <p>2 because the family member was dead?</p> <p>3 A. I'm trying to think of whether I have any of</p> <p>4 those cases on the resolved prosecutions spreadsheet.</p> <p>5 But I -- I could say I have seen that scenario, but I</p> <p>6 would be limited to talking about the facts of those</p> <p>7 scenarios unless they've been resolved prosecutions.</p> <p>8 Q. Would the answer be the same if I asked you if</p> <p>9 you've ever seen instances where a voter cast the ballot</p> <p>10 for a family member who was ineligible because the</p> <p>11 family member was no longer a resident of the</p> <p>12 jurisdiction?</p> <p>13 A. We've had lots of residency cases, but I don't</p> <p>14 remember one where a vote was cast for a family member.</p> <p>15 Q. You've never seen, for example, parents vote a</p> <p>16 mail ballot for a child who's in college but that child</p> <p>17 is already gone and voting on their own wherever they</p> <p>18 went?</p> <p>19 A. I don't recall the fact of the family member</p> <p>20 voting another family member's ballot who had, you know,</p> <p>21 vacated the residency or moved their residency.</p> <p>22 Q. Can you give me any other examples of a voter</p> <p>23 casting a ballot for another voter who is ineligible</p> <p>24 either because of felony convictions, deceased, absent,</p> <p>25 no longer a resident? Any other examples of people</p>	<p>Page 216</p> <p>1 A. The exception to the rule.</p> <p>2 Q. What would be fair to say, also, though, that</p> <p>3 you are less likely to learn of an instance in which a</p> <p>4 family member votes for another family member because</p> <p>5 it's isolated and there are fewer people to report it?</p> <p>6 A. I would say we're probably equally likely to</p> <p>7 learn of it if the voter is deceased, for example,</p> <p>8 because there are ways that gets flagged by the system.</p> <p>9 If it's a -- we might -- anytime a voter is aware that</p> <p>10 their ballot has been taken and voted against their will</p> <p>11 or they show up to vote in person to vote but they're</p> <p>12 told, "No, you've already voted by mail," or something</p> <p>13 like that, it's fairly likely that that could get</p> <p>14 reported.</p> <p>15 So I think I agree with the premise that</p> <p>16 it is probably more likely in a number of situations for</p> <p>17 a vote harvesting operation to be reported than a family</p> <p>18 member. It's also not across the board, and there are</p> <p>19 other factors in a vote harvesting operation that make</p> <p>20 it extremely unlikely for those offenses to be reported,</p> <p>21 as well, such as the fact that if it's done correctly,</p> <p>22 vote harvesting is invisible to the voter. "Someone</p> <p>23 stopped by to help me with my ballot," and as far as the</p> <p>24 voter knows, they voted exactly the way the voter wanted</p> <p>25 them to vote, because I asked you, "Who would you like</p>

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<p style="text-align: right;">Page 217</p> <p>1 to vote for for this race?" And I may or may not</p> <p>2 mention the down ballot races, which I fill in for the</p> <p>3 people that I'm actually working for, because I don't</p> <p>4 care about who's up ballot when I'm vote harvesting. I</p> <p>5 care about local elections that I'm getting paid for.</p> <p>6 So, you know, done properly, vote</p> <p>7 harvesting is invisible to the voter, and unless there's</p> <p>8 a situation where something has been just completely --</p> <p>9 you know, without the voter's knowledge or consent,</p> <p>10 there has been an application for a mail ballot and they</p> <p>11 are planning on voting in person and find out that,</p> <p>12 "Wait a second. No, I already voted by mail? No, I</p> <p>13 don't." That's going to get reported a lot of the time,</p> <p>14 you know. So I agree and -- and would disagree or</p> <p>15 distinguish --</p> <p>16 Q. Uh-huh.</p> <p>17 A. -- on other grounds.</p> <p>18 Q. Is it also the case that if a voter assister, a</p> <p>19 mail ballot voter assister is doing everything the way</p> <p>20 that they are supposed to do, that the experience is</p> <p>21 similarly seamless for the voter, who understands that</p> <p>22 the assister is filling out according to their wishes</p> <p>23 and helping them with the ballot and in a completely</p> <p>24 appropriate way. The voter would similarly have a</p> <p>25 seamless and non-troubling experience with that?</p>	<p style="text-align: right;">Page 219</p> <p>1 MS. PERALES: Yes.</p> <p>2 Q. Okay. We're back on the record. I was -- and</p> <p>3 I'm also checking -- okay. I was asking you some</p> <p>4 questions about the attorney-client relationship.</p> <p>5 Look, it's the end. You can see right</p> <p>6 here, there's nothing -- there's nothing down below,</p> <p>7 so --</p> <p>8 MR. HUDSON: You can't sweet talk him into</p> <p>9 answering your question.</p> <p>10 THE WITNESS: That's exciting.</p> <p>11 MR. HUDSON: For purposes of the record,</p> <p>12 we're all laughing. I know this isn't being recorded,</p> <p>13 but I want to make it very clear that we're all</p> <p>14 chuckling about that one.</p> <p>15 MS. PERALES: Yes, it's all in good humor.</p> <p>16 And I've been foiled by Mr. Hudson and my charm</p> <p>17 offensive.</p> <p>18 Q. (By Ms. Perales) So I do have some questions</p> <p>19 for you about the attorney-client privilege, which is,</p> <p>20 is there a difference, in your mind, in terms of whether</p> <p>21 you've formed an attorney-client relationship with a</p> <p>22 legislator or whether you are giving fact information --</p> <p>23 for example, like the number of prosecutions or what a</p> <p>24 prosecution was about -- versus advising them on</p> <p>25 something like the interpretation of statutory language?</p>
<p style="text-align: right;">Page 218</p> <p>1 A. Yeah. And I would say it's more likely that</p> <p>2 the voter would have a bad experience when the vote</p> <p>3 harvester is doing the wrong thing, but, yeah, I think</p> <p>4 that that's the challenging -- that's the challenge of</p> <p>5 investigating mail ballot fraud and proving it after the</p> <p>6 fact, is that, done correctly, it may look to the voter</p> <p>7 just like it's done appropriately.</p> <p>8 Q. I'm going to ask you no more questions about</p> <p>9 your testimony.</p> <p>10 Is it -- is it your contention that when</p> <p>11 you are advising a legislator during the legislative</p> <p>12 process about facts related to voter fraud, that you</p> <p>13 have an attorney-client relationship with the</p> <p>14 legislator?</p> <p>15 MR. HUDSON: I'm going to object to the</p> <p>16 extent that that would encourage attorney-client</p> <p>17 privilege between me and my client, or attorney work</p> <p>18 product, or legislative privilege. To the extent that</p> <p>19 you can answer that without revealing any</p> <p>20 attorney-client privilege or any other privileges,</p> <p>21 you're free to do so. Otherwise, I'm instructing you</p> <p>22 not to answer.</p> <p>23 A. I don't know that I can.</p> <p>24 THE REPORTER: Can we take a short break?</p> <p>25 (Brief recess.)</p>	<p style="text-align: right;">Page 220</p> <p>1 Do you draw a distinction there at all?</p> <p>2 MR. HUDSON: I'm going to object. That's</p> <p>3 an improper contention. Mr. White is here as a fact</p> <p>4 witness, not to give legal opinions about</p> <p>5 attorney-client, attorney work product. We also have a</p> <p>6 stipulation on the record. With that, I'll instruct you</p> <p>7 not to answer to the extent that your answer would</p> <p>8 encroach on any stipulated privileges. To the extent</p> <p>9 that you can answer, you're free to do so.</p> <p>10 A. I don't -- I don't know that I can.</p> <p>11 Q. Okay. Well, that was -- that is me kind of</p> <p>12 getting closer to what I really want to ask you about,</p> <p>13 which is discussions that you've had with legislators</p> <p>14 that you consider not privileged by the attorney-client</p> <p>15 privilege. Not every discussion you've ever had with a</p> <p>16 legislator can be understood to be attorney-client</p> <p>17 privileged. Would you agree with me on that?</p> <p>18 A. Certainly not questions that I was asked at a</p> <p>19 legislative committee hearing. Things like that would</p> <p>20 be -- would be covered, I would agree.</p> <p>21 Q. So for the purpose of the record, are you</p> <p>22 asserting that any private conversation you would have</p> <p>23 had with a legislator, regardless of the content, would</p> <p>24 be privileged as attorney-client privilege?</p> <p>25 MR. HUDSON: Same objections.</p>